

**COMMISSION OF INQUIRY INTO STATE CAPTURE**

**HELD AT**

**PARKTOWN, JOHANNESBURG**

10

**02 APRIL 2019**

**DAY 78**

20

**PROCEEDINGS HELD ON 2 APRIL 2019**

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

**ADV PAUL JOSEPH PRETORIUS SC:** Morning Chair. Chair with your leave we wish to interpose the evidence of Ms Mashile-Nkosi.

**CHAIRPERSON:** Yes.

**ADV PAUL JOSEPH PRETORIUS SC:** Her evidence will not take long it will be led by Ms Sello and introduced by Ms Sello.

**CHAIRPERSON:** Actually I know that you asked if we could interpose and I said yes but as you speak now it occurs to me that it should – we should avoid interposing in the  
10 middle of a particular witness's evidence as opposed to interposing in the sense that we are hearing evidence relating to for example Bosasa. But when a particular witness finishes and before we start with the next one we interpose. But it just occurs to me that it should not be a situation where we interpose in the middle of a particular witness's evidence. Now bearing in mind the last witness we were hear – I was hearing yesterday I understand that he will take only about 30 minutes before he finishes. I do not think there is a warrant for us to interpose before we finish with that witness. It seems to me we should finish with that witness and then before we hear another witness relating to Bosasa then maybe we can interpose.

**ADV PAUL JOSEPH PRETORIUS SC:** Well Chair may I just point out that interposing  
20 if we call witnesses of not long duration and try and fit them into the programme it is inevitable unless a witness finishes at four o'clock the previous day that interposition will be necessary, that is the first point. The second point is on the strength of our discussion we have made certain undertakings to this particular witness who has asked specially to be allowed to give her evidence early so she can leave. So we would have to reverse that undertaking to her.

**CHAIRPERSON**: No, no that I understand but for her to wait 30 minutes really cannot make much difference. You know there is ...

**ADV PAUL JOSEPH PRETORIUS SC**: So if you could just be [indistinct].

**CHAIRPERSON**: Even if it is an hour you know it really cannot be a problem.

**ADV PAUL JOSEPH PRETORIUS SC**: Alright she agrees to that Chair.

**CHAIRPERSON**: And obviously whatever you said to her was subject to my approval?

**ADV PAUL JOSEPH PRETORIUS SC**: Yes but we did get your approval but...

**CHAIRPERSON**: Yes, no but that is why... What is that now? No that is why I started by saying – by acknowledging that I had given approval.

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

**CHAIRPERSON**: But I just...

**ADV PAUL JOSEPH PRETORIUS SC**: Well whatever the witness agrees Chair.

**CHAIRPERSON**: Yes I just said that it occurs to me that let us rather finish that evidence of the other witness. It is a short time. The other point you made is – is a point that needs consideration. So it may well be that when we consider it we might – it might be inevitable that we might sometimes interpose in between but it just – it does occur to me that it is not the – an ideal situation. But any interposition is not ideal but – okay let us – let us finish with that witness – the other witness and then this current witness can then come in. Okay.

20 **ADV PAUL JOSEPH PRETORIUS SC**: Thank you Chair.

**CHAIRPERSON**: Thank you.

**ADV PAUL JOSEPH PRETORIUS SC**: Please excuse me Chair.

**CHAIRPERSON**: Thank you. I hope that they are aware that we will not be too long hey.

**ADV REFILWE MOLEFE**: Yes Chair.

**CHAIRPERSON:** Ja okay alright.

**ADV REFILWE MOLEFE:** Thank you.

**CHAIRPERSON:** Okay let us continue.

**ADV REFILWE MOLEFE:** Thank you Chair. Mr Mlambo yesterday when we adjourned you were informing the Chair about the inspection of the security equipment in the Eastern Cape Province in the Elliot area which property you led to by Mr Le Roux.

**MR THEMBA PATRICK MLAMBO:** That is correct.

**ADV REFILWE MOLEFE:** You were also telling the Chair about having been granted entry into the house at which the inspection took place by a female person whom you say you found at the property?

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**MR THEMBA PATRICK MLAMBO:** Yes that is correct.

**ADV REFILWE MOLEFE:** And you further gave evidence around the first room at the property which you entered?

**MR THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** Yes. If we can go back a bit. At paragraph 15 on page 5 of the bundle you expend the basis upon which you entered inside the house relative to the person you say you found at the property. Can you please take the Chair through this?

**MR THEMBA PATRICK MLAMBO:** We were talking now about the female person that...

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**ADV REFILWE MOLEFE:** Yes.

**MR THEMBA PATRICK MLAMBO:** Oh yes ja. I introduced myself to this female person and explained the purpose of my investigation or my visit which was the investigation of the installations by the Bosasa Group and she allowed me access. She invited me in.

**ADV REFILWE MOLEFE:** Yes and you say that the first place that you went to when you entered the house was a bedroom?

**MR THEMBA PATRICK MLAMBO:** Yes as directed by Mr Le Roux.

**ADV REFILWE MOLEFE:** Yes can you remind the Chair where the room was located?

**MR THEMBA PATRICK MLAMBO:** When you enter the house if you go past the kitchen there is a passageway on the right which I turned into and immediately on my left hand side was the bedroom where I was supposed to find the installations that were conducted by the Special Projects Team.

**ADV REFILWE MOLEFE:** Yes and what did you find in this room?

10 **MR THEMBA PATRICK MLAMBO:** In this particular room I found the monitor and I find – I found the equipment which has to do with the functionality of the CCTV cameras.

**ADV REFILWE MOLEFE:** Yes and is this where Mr Le Roux said the monitor and the equipment in respect thereof would be found?

**MR THEMBA PATRICK MLAMBO:** That is correct Chair.

**ADV REFILWE MOLEFE:** And did you take pictures of what you found?

**MR THEMBA PATRICK MLAMBO:** Yes I took a video and I also took the pictures.

**ADV REFILWE MOLEFE:** Okay can you then turn with me to page 36 at Exhibit TPM20. Are you there?

20 **MR THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** What appears on that page?

**MR THEMBA PATRICK MLAMBO:** It is the monitor.

**ADV REFILWE MOLEFE:** Which monitor? The one that you found?

**MR THEMBA PATRICK MLAMBO:** Yes the monitor that I found and whose picture I took.

**ADV REFILWE MOLEFE:** Yes. And where did you go to after the first bedroom?

**MR THEMBA PATRICK MLAMBO:** I went to the next bedroom who was facing the passageway.

**ADV REFILWE MOLEFE:** And what did you find?

**MR THEMBA PATRICK MLAMBO:** Also there I found the monitor.

**ADV REFILWE MOLEFE:** And when you went to this room which was facing the passage as you say is this where Mr Le Roux had directed you to?

**MR THEMBA PATRICK MLAMBO:** It is the second room where Mr Le Roux had directed me.

10 **ADV REFILWE MOLEFE:** And did he say that you would find a monitor in that room?

**MR THEMBA PATRICK MLAMBO:** He did.

**ADV REFILWE MOLEFE:** Did you find – did you take pictures of what you found?

**MR THEMBA PATRICK MLAMBO:** Yes I did.

**ADV REFILWE MOLEFE:** Turn with me please to the following page, page 37 Exhibit TPM21. What appears on that page?

**MR THEMBA PATRICK MLAMBO:** It is the monitor and the small cabinet there which has to do with the functionality of the CCTV cameras.

**ADV REFILWE MOLEFE:** And where did you go thereafter?

20 **MR THEMBA PATRICK MLAMBO:** Thereafter I left the room still in the company of the woman who was responsible for the premises and I went out via the passage into the foyer – well rather into the balcony where I continued to take videos and went out via the stairs that lead outside as I was continuing to take the video and pictures.

**ADV REFILWE MOLEFE:** And on the balcony of this property what did Mr Le Roux said would be found there?

**MR THEMBA PATRICK MLAMBO:** Well he told me that there would cameras that

were installed all around the premises.

**ADV REFILWE MOLEFE:** Yes and did you find any cameras?

**MR THEMBA PATRICK MLAMBO:** Yes I did.

**ADV REFILWE MOLEFE:** And where did you find them?

**ADV REFILWE MOLEFE:** Basically in every corner of the property and also underneath the balcony there is also another camera that is mounted there. So just to give a picture. The house is situated on the – it is log house or log cabinet – well it is a log house or a house made of wood and it is basically elevated you know by some logs so that you know if you are on the ground you are able to go under the house because  
10 of the elevation by the logs.

**ADV REFILWE MOLEFE:** Yes and when you went to the balcony who accompanied you?

**MR THEMBA PATRICK MLAMBO:** The woman that I found at the premises who was responsible for the premises was always there with me.

**ADV REFILWE MOLEFE:** Yes and how many cameras did Mr Le Roux indicate would be found on the balcony?

**MR THEMBA PATRICK MLAMBO:** I do not recall precisely how many cameras but safe to say that he did inform me that there would be cameras all over the property.

**ADV REFILWE MOLEFE:** Yes and ...

20 **MR THEMBA PATRICK MLAMBO:** So...

**ADV REFILWE MOLEFE:** Continue. Okay and did you take any pictures of the cameras you saw?

**MR THEMBA PATRICK MLAMBO:** Yes I had to take pictures of all the cameras that were visible to me.

**ADV REFILWE MOLEFE:** Can you turn with me to page 31 of the bundle and that is

Annexure TPM15.

**MR THEMBA PATRICK MLAMBO**: Page 30?

**ADV REFILWE MOLEFE**: 31.

**MR THEMBA PATRICK MLAMBO**: 31. I am on page 31.

**ADV REFILWE MOLEFE**: Yes can you explain to the Chair what appears on that page?

**MR THEMBA PATRICK MLAMBO**: What appears on this page is the LED light and it is also the camera.

**ADV REFILWE MOLEFE**: And is this one of the cameras that Mr Le Roux had  
10 indicated would be found here?

**MR THEMBA PATRICK MLAMBO**: Absolutely.

**ADV REFILWE MOLEFE**: Can you then also turn with me to page 32 and that is Exhibit TPM16. Please tell the Chair what appears on that page?

**MR THEMBA PATRICK MLAMBO**: What appears there are two cameras.

**ADV REFILWE MOLEFE**: Yes and where are these cameras located?

**MR THEMBA PATRICK MLAMBO**: These cameras are mounted on top of the – of the wall – wooden wall but below the roof.

**ADV REFILWE MOLEFE**: Still on the balcony?

**CHAIRPERSON**: Are they on the – are they mounted on the wall, high up on the wall  
20 but just below the roof?

**MR THEMBA PATRICK MLAMBO**: Yes that is correct.

**CHAIRPERSON**: Okay.

**ADV REFILWE MOLEFE**: Can you then turn with me to page 33 that is the page following and that is Annexure TPM17. Please explain to the Chair what appears on that page?



**MR THEMBA PATRICK MLAMBO:** This is also a camera and this is the camera that is located underneath the house.

**ADV REFILWE MOLEFE:** Yes and is this camera located where Mr Le Roux had said it would be located?

**MR THEMBA PATRICK MLAMBO:** That is true, that is correct.

**ADV REFILWE MOLEFE:** Are there any other pictures that you took either at the balcony or of the external premises of the property?

**MR THEMBA PATRICK MLAMBO:** Yes I think if I go to – ja subsequent pages I took quite a few of them.

10 **ADV REFILWE MOLEFE:** Earlier in your evidence when I asked you what Mr Le Roux had said would be on the property you stated that he made reference to LED lights.

**MR THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** Is that correct?

**MR THEMBA PATRICK MLAMBO:** That is correct.

**ADV REFILWE MOLEFE:** And where did he say the LED lights would be located?

**MR THEMBA PATRICK MLAMBO:** He said the LED lights would be located you know on the – would be mounted on the wooden walls, also on top of the – high up on the – on the wooden wall you know but below the roof.

20 **ADV REFILWE MOLEFE:** Yes. Can you please turn with me to page 30. What appears on page 30?

**MR THEMBA PATRICK MLAMBO:** On page 30 is the LED light as well as the camera.

**ADV REFILWE MOLEFE:** And is this the camera that Mr Le Roux said would be located as you have described?

**MR THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** Was there any LED lights that you saw?

**MR THEMBA PATRICK MLAMBO:** Yes there was another LED light. On TPM15 it is basically the same LED light as TPM...

**ADV REFILWE MOLEFE:** TPM15 would be at page 31.

**MR THEMBA PATRICK MLAMBO:** Yes it would be page 31 but it is still the same LED light as in TPM 14.

**ADV REFILWE MOLEFE:** Yes.

**MR THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** But it appears to be located on the other side of the pipe, can you explain that from TPM14 to in comparison to TPM5 on pages 30 and 31  
10 respectively?

**MR THEMBA PATRICK MLAMBO:** Oh yes, ja this is on the other side. No, no so I beg your pardon. It will be on the other side of the [indistinct].

**CHAIRPERSON:** It would be a different wall?

**MR THEMBA PATRICK MLAMBO:** Ja it is just on the [indistinct] yes different wall ja.

**CHAIRPERSON:** Ja.

**ADV REFILWE MOLEFE:** Yes. And were there any other features that Mr Le Roux spoke about in respect of this property?

**MR THEMBA PATRICK MLAMBO:** Well save for the LED lights and the cameras as well as the equipment that had to do with the functionality of the CCTV cameras and  
20 the monitors nothing else I could remember.

**ADV REFILWE MOLEFE:** Yes and was there anything else said between yourself and the person you said you found at the property?

**MR THEMBA PATRICK MLAMBO:** Was there anything said?

**ADV REFILWE MOLEFE:** Anything else said between yourself the person you say you found at the property?

**MR THEMBA PATRICK MLAMBO:** Well save for the introductions and – and if I do recall quite clearly and this could be heard on the video if played was a conversation that I had with this person where she was basically you know – you know going around me because she did not want to appear on the video. So we kind of had a - you know discussion because like I said earlier she was always around with me everywhere I went. So there was a possibility that as I was taking the video she would appear. So we had some kind of you know conversation and – but I do recall as well that she asked me one more my names which I told her.

**ADV REFILWE MOLEFE:** Yes.

10 **MR THEMBA PATRICK MLAMBO:** But I also said to her look I will still give you my details before we leave.

**ADV REFILWE MOLEFE:** Yes. And what happened before you left?

**MR THEMBA PATRICK MLAMBO:** Before I left I wrote down on a piece of paper my details. In actual fact she had a book and to me it appears like it should have been an occurrence book. I do not remember quite in detail as to how the book looked like but all she had was a book which for me appeared like an occurrence book and I assume that each time they have got visitors there you know as a person that is in charge of the house she would keep record of who comes in and who goes out.

**ADV REFILWE MOLEFE:** And the video that you have just referred to would it show  
20 the images that we have just taken the Chair through?

**MR THEMBA PATRICK MLAMBO:** They will.

**ADV REFILWE MOLEFE:** Chair there is no need to play the video. And you say you left your details with her?

**MR THEMBA PATRICK MLAMBO:** I did leave it there.

**ADV REFILWE MOLEFE:** What then happened after that?

**MR THEMBA PATRICK MLAMBO:** I thanked her for the help that she had provided me and also for giving us permission to go in and conduct a – for giving me permission to conduct my investigation and then I left. She was – she was a very amicable and a cordial person. So I thanked her and I also asked – because from the particular premises I was going to go to the next premises so I asked her if she knew that if there was anybody at that particular premises in which case she said there was somebody but she did not have the contact numbers of that particular person. So I went on the strength of the fact that anyway I was going to get somebody there.

**ADV REFILWE MOLEFE:** Yes.

10 **MR THEMBA PATRICK MLAMBO:** So I thanked her and we left the premises.

**ADV REFILWE MOLEFE:** You left. So throughout your interaction with this lady Mr Le Roux as I understand well particularly during the inspection was in the car?

**MR THEMBA PATRICK MLAMBO:** Well during the inspection – after I had introduced Mr Le Roux and he came into the yard the only place Mr Le Roux did not go into is in the inside of the house. But as I was taking the video and the pictures in the outside of the house Mr Le Roux was there as well.

**ADV REFILWE MOLEFE:** Yes. Can we then turn to paragraph 12 on page 4 of your statement and this is the paragraph I said we would return to? In that paragraph you make reference to documents that are attached to your statement, is that correct?

20 **MR THEMBA PATRICK MLAMBO:** That is correct.

**ADV REFILWE MOLEFE:** Can we then turn to page 20 of that bundle. That is Annexure TPM12 and it runs from page 20 to 28, is that correct? Is that correct 20 to 28?

**MR THEMBA PATRICK MLAMBO:** That is correct.

**ADV REFILWE MOLEFE:** Yes and what is this Annexure TPM12?

**MR THEMBA PATRICK MLAMBO:** TPM12 is basically the invoices of a lodge where the projects team was accommodated at any given time when they were doing either maintenance or installations at Mr Mantashe's place.

**ADV REFILWE MOLEFE:** And how did you come to be in possession of these invoices?

**MR THEMBA PATRICK MLAMBO:** Before going to Mr Mantashe's first residence or to Elliot Mr Le Roux reminded me that they were actually accommodated at a lodge close by. So I decided that look we had time at our disposal and it would make sense for us to go there. Also because the invoices would show the exact dates at which they were  
10 at Mantashe's – Mr Mantashe's place or Minister Mantashe.

**ADV REFILWE MOLEFE:** Yes. And what is the name of this lodge?

**MR THEMBA PATRICK MLAMBO:** The lodge is called Intaba Lodge.

**ADV REFILWE MOLEFE:** Can you please spell that for the record?

**MR THEMBA PATRICK MLAMBO:** Intaba is I-n-t-a-b-a.

**ADV REFILWE MOLEFE:** Yes. Please turn to page 23 of that bundle.

**CHAIRPERSON:** Well do you want to tell us where about in the Eastern Cape Intaba Lodge is?

**MR THEMBA PATRICK MLAMBO:** Intaba Lodge is at Elliot.

**CHAIRPERSON:** Thank you.

20 **MR THEMBA PATRICK MLAMBO:** In actual fact if you look at the – their logo it does indicate Intaba Lodge Elliot.

**CHAIRPERSON:** Yes. Thank you.

**ADV REFILWE MOLEFE:** Thank you. Can you now turn to page 23 the invoice that appears on page 23? Are you on – are you at page 23?

**MR THEMBA PATRICK MLAMBO:** Page 23 yes.

**ADV REFILWE MOLEFE:** Yes you have just told the Chair that the area is Elliot.

**MR THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** Now moving further down on the invoice is there a date provided on the invoice?

**MR THEMBA PATRICK MLAMBO:** The date that appears on the invoice is 2 December 2014.

**ADV REFILWE MOLEFE:** Yes and immediately after that date is there a name of a guest there?

**MR THEMBA PATRICK MLAMBO:** The name of the guest that appears there is that of  
10 Mr Richard Le Roux.

**ADV REFILWE MOLEFE:** Yes.

**CHAIRPERSON:** Okay maybe before you proceed go back to the date. The date you have given is that of departure. Please give the date of arrival at Intaba Lodge as well?

**ADV REFILWE MOLEFE:** Well Chair if I might assist?

**CHAIRPERSON:** Yes.

**ADV REFILWE MOLEFE:** The date at the top of the invoice appears to be the date of the invoice and the date of arrival and date of departure appear below on the document?

**CHAIRPERSON:** Oh okay. Oh and the date of the invoice would be the same as the  
20 date of departure, is it not?

**ADV REFILWE MOLEFE:** Yes Chair.

**CHAIRPERSON:** So okay but he must just give those two dates as well. Date of arrival and date of departure?

**ADV REFILWE MOLEFE:** Yes, yes Chair.

**CHAIRPERSON:** Will you just do that Mr Mlambo? You can see those two dates hey?

**MR THEMBA PATRICK MLAMBO:** Yes I can see that Chairperson.

**CHAIRPERSON:** Yes.

**MR THEMBA PATRICK MLAMBO:** The date of arrival of this particular guest Mr Le Roux is 28 November 2014 and then the departure date is the 2 December 2014.

**ADV REFILWE MOLEFE:** Yes and if you move a bit up on this invoice just below the voucher number is the name of a company. What is the name of the company cited on this invoice?

**MR THEMBA PATRICK MLAMBO:** The name of the company is Blakes Travel – it is written urgenvy which I do not know if it is correct maybe it is supposed to read urgency  
10 but I will not provide an opinion.

**ADV REFILWE MOLEFE:** Yes.

**MR THEMBA PATRICK MLAMBO:** It is written Blakes Travel Urgenvy PTY LTD and the address thereof.

**ADV REFILWE MOLEFE:** Yes and what is the amount that appears on this invoice?

**MR THEMBA PATRICK MLAMBO:** The amount that appears on the invoice is R2 720,00.

**ADV REFILWE MOLEFE:** Can you go back to page 20 of the bundle? This is also one of the documents which are invoices as you have identified. Do you confirm that in relation to this guest that the details of the date of the invoice, the company, the date of  
20 arrival, the date of departure and the date on the invoice are the same as those appearing at page 23? Perhaps let us take it step by step.

**MR THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** The date of the invoice on page 20...

**CHAIRPERSON:** Well it was maybe quicker the way you were doing it because it is not going to be in dispute. If you like you just read her what the dates are and it is not

something that is in dispute.

**ADV REFILWE MOLEFE:** Certainly Chair.

**CHAIRPERSON:** Ja.

**ADV REFILWE MOLEFE:** Thank you Chair. Mr Mlambo on page 20 which is Annexure TPM12 the date of the invoice is the 2 December 2014 and the date of the company is Blakes Travel Agency it would seem it should PTY LTD, the date of arrival is the 28 November 2014 and the date of departure is the 2 December 2014. The costs that are cited on this invoice is R2 720,00 and these details are exactly the same as those that appear on page 23?

10 **MR THEMBA PATRICK MLAMBO:** That is correct.

**ADV REFILWE MOLEFE:** Now do you know the guest who is cited on page 20?

**MR THEMBA PATRICK MLAMBO:** On page 20 the guest that is cited there is Mr Huma Tshepo

**ADV REFILWE MOLEFE:** Yes do you know who that person is?

**MR THEMBA PATRICK MLAMBO:** I do not know who that person is save to say that I was I was informed by Mr Le Roux that he is one of the technicians who forms part of the Special Projects Team.

**ADV REFILWE MOLEFE:** And on page 22 ...

**CHAIRPERSON:** If you want you can do exactly the same with all of them?

20 **ADV REFILWE MOLEFE:** Certainly Chair.

**CHAIRPERSON:** Ja.

**ADV REFILWE MOLEFE:** Thank you. The date on that invoice is the 2 December 2014, the company cited is Blakes Travel Agency PTY LTD although it is spelt as agenvy perhaps there could be a mistake. The date of arrival is the 28 November 2014. The date of departure is the 2 December 2014 and the amount on the invoice is



R2 720,00 which is – these dates – these details rather are exactly the same as that which appear at the invoice on page 20 and on page 23.

**MR THEMBA PATRICK MLAMBO**: That is correct Chairperson.

**ADV REFILWE MOLEFE**: On page 22 do you know who the guest cited there is?

**MR THEMBA PATRICK MLAMBO**: The guest cited there is Phule Siduma.

**ADV REFILWE MOLEFE**: And do you know who that is?

**MR THEMBA PATRICK MLAMBO**: I do not know who Phule Siduma is.

**ADV REFILWE MOLEFE**: Can you then turn to page 24. Do you confirm that this is also one of the invoices you have identified as forming part of TPM12?

10 **MR THEMBA PATRICK MLAMBO**: That is correct.

**ADV REFILWE MOLEFE**: And that the – it is the same hotel or lodge rather in Elliot?

**MR THEMBA PATRICK MLAMBO**: That is correct.

**ADV REFILWE MOLEFE**: Do you see on this page that there are details on the invoice have the company cited Blakes Travel and the A-g-e-n-v-y PTY LTD?

**MR THEMBA PATRICK MLAMBO**: That is correct.

**ADV REFILWE MOLEFE**: What is the date of arrival cited on this invoice?

**MR THEMBA PATRICK MLAMBO**: The date of arrival on this particular invoice is the 25 September 2016

**CHAIRPERSON**: I am sorry are you not looking at page 24?

20 **MR THEMBA PATRICK MLAMBO**: Oops.

**ADV REFILWE MOLEFE**: I am Chair.

**CHAIRPERSON**: Mr Mlambo are you looking at...

**MR THEMBA PATRICK MLAMBO**: I beg your pardon.

**CHAIRPERSON**: Page 24?

**MR THEMBA PATRICK MLAMBO**: Okay I beg your pardon.

**ADV REFILWE MOLEFE:** Okay.

**MR THEMBA PATRICK MLAMBO:** The date of arrival on page 24 is the 29 September 2015

**ADV REFILWE MOLEFE:** And the date of departure?

**MR THEMBA PATRICK MLAMBO:** The date of departure is the 1 October 2015.

**ADV REFILWE MOLEFE:** And just right at the top of the invoice the first date that appears there what is that date?

**MR THEMBA PATRICK MLAMBO:** The date that appears there is the 25 September 2015.

10 **ADV REFILWE MOLEFE:** And do you know the guest who is cited on this invoice?

**MR THEMBA PATRICK MLAMBO:** Cited there is the guest is Phule Siduma.

**ADV REFILWE MOLEFE:** Do you know who that is?

**MR THEMBA PATRICK MLAMBO:** I do not know who Phule Siduma is.

**ADV REFILWE MOLEFE:** Did you have any discussion with Mr Le Roux about who this could be?

**THEMBA PATRICK MLAMBO:** I had a discussion with Mr Le Roux and he informed me he is one of the technicians of the Special Projects Team.

20 **ADV REFILWE MOLEFE:** Please then turn to the following page on page 25. This is also one of the invoices that you have attached as Annexure TPM12. Now on pages 25 to 27 the dates on all these three invoices appear to be 27 September 2016. Do you confirm that?

**THEMBA PATRICK MLAMBO:** I do confirm that.

**ADV REFILWE MOLEFE:** And again on all these invoices the company cited is Blake's Travel and the word A-G-E-N-V-Y (Pty) Ltd. Is that correct?

**THEMBA PATRICK MLAMBO:** That is correct.

**ADV REFILWE MOLEFE:** And the date of arrival on all these invoices is 25 September 2016?

**THEMBA PATRICK MLAMBO:** That is correct.

**ADV REFILWE MOLEFE:** And the date of departure on all these invoices is 27 September 2016?

**THEMBA PATRICK MLAMBO:** That is also correct.

**ADV REFILWE MOLEFE:** The amount on all three invoices is 1 460?

**THEMBA PATRICK MLAMBO:** In each case that is correct.

**ADV REFILWE MOLEFE:** Yes. Do you know the name of the guest who appears on  
10 page 25?

**THEMBA PATRICK MLAMBO:** On page 25 the guest is Mr Richard Le Roux.

**ADV REFILWE MOLEFE:** And on the following page, page 26?

**THEMBA PATRICK MLAMBO:** It is Michael Ndo.

**ADV REFILWE MOLEFE:** Do you know who that is?

**THEMBA PATRICK MLAMBO:** I do not know Mr Michael Ndo.

**ADV REFILWE MOLEFE:** And on page 27, what is the name of the guest there?

**THEMBA PATRICK MLAMBO:** The name of the guest is Eugene Bredenkamp.

**ADV REFILWE MOLEFE:** And do you know who that is?

**THEMBA PATRICK MLAMBO:** I also do not know who Mr Bredenkamp is.

20 **ADV REFILWE MOLEFE:** In respect of these two guests at pages 26 and 27 did you have any discussion with Mr Le Roux?

**THEMBA PATRICK MLAMBO:** I had a discussion with Mr Le Roux and he informed me they are also part of the team of the Special Projects.

**ADV REFILWE MOLEFE:** Yes. Can you then turn to page 28? This is the last invoice attached as TPM12. Do you confirm that this invoice on page 28 has the same address

and that address being in Elliot?

**THEMBA PATRICK MLAMBO:** I do confirm that.

**ADV REFILWE MOLEFE:** And do you also confirm that the company being Blake's Travel appears on this invoice?

**THEMBA PATRICK MLAMBO:** What I do see is the email address which is [indistinct].

**ADV REFILWE MOLEFE:** No, no above the email address you find a VAT number and above that VAT number you find a company name. Not so?

**THEMBA PATRICK MLAMBO:** Oh, you mean the lodge?

**ADV REFILWE MOLEFE:** No, no the company name that is cited on the document  
10 immediately after the guest name and surname.

**THEMBA PATRICK MLAMBO:** Oh. What I see there is Blake's Travel.

**ADV REFILWE MOLEFE:** Yes and what is the date of arrival cited on that invoice?

**THEMBA PATRICK MLAMBO:** The date of the arrival of the guest is  
15 February 2017.

**ADV REFILWE MOLEFE:** And what is the date of departure?

**THEMBA PATRICK MLAMBO:** The next day, which is 16 February 2017.

**ADV REFILWE MOLEFE:** And do you know the name of the guest who appears on  
page 28?

**THEMBA PATRICK MLAMBO:** I do not know the guest.

20 **ADV REFILWE MOLEFE:** Thank you. Please turn to page 5 of your statement. Well  
before you do the guest who appears on page 28 did you have any discussion with  
Mr Le Roux as to who this guest was?

**THEMBA PATRICK MLAMBO:** I had a discussion with him and he told me if you look  
carefully it is basically two guests.

**ADV REFILWE MOLEFE:** Yes.

**THEMBA PATRICK MLAMBO:** And Mr Le Roux informed me that both guests are part of the Projects Team.

**ADV REFILWE MOLEFE:** And below on that invoice is the amount, what is the amount written there?

**THEMBA PATRICK MLAMBO:** The amount appearing there is 1 460.

**ADV REFILWE MOLEFE:** And just before or rather towards the left side of the amount and in between what is written dinner, bed and breakfast?

**THEMBA PATRICK MLAMBO:** It is written dinner, bed and breakfast yes.

**ADV REFILWE MOLEFE:** And next to that?

10 **THEMBA PATRICK MLAMBO:** Come again?

**ADV REFILWE MOLEFE:** Next to that.

**THEMBA PATRICK MLAMBO:** Next to that two times R730.

**ADV REFILWE MOLEFE:** Yes. Can we then turn to paragraph 16 of your statement? In paragraph 16 you deal with another property. Is that correct?

**THEMBA PATRICK MLAMBO:** That is correct.

**ADV REFILWE MOLEFE:** And on what date did you visit the site?

**THEMBA PATRICK MLAMBO:** I did visit this particular site indeed.

**ADV REFILWE MOLEFE:** On what date?

20 **THEMBA PATRICK MLAMBO:** The date was the same date as that of the first premises related to Mr Mantashe which is 19 February 2019.

**ADV REFILWE MOLEFE:** And can you recall at what time you visited the site?

**THEMBA PATRICK MLAMBO:** This would have been in the morning just after, well it would have been approximately 12:30. Well 12:30 and then we that is when we left the first site in Elliot and say give or take, we would have been there say at about 13:00.

**ADV REFILWE MOLEFE:** Yes and you were accompanied by Mr Le Roux?

**THEMBA PATRICK MLAMBO:** At all material times.

**ADV REFILWE MOLEFE:** Now before arriving at the property had Mr Le Roux informed you of what equipment was installed at the property?

**THEMBA PATRICK MLAMBO:** Yes, he did.

**ADV REFILWE MOLEFE:** And what did he say would be at the property?

**THEMBA PATRICK MLAMBO:** He told me that on this particular property they had installed two LED lights and the equipment which had to do with the functionality thereof would have been inside the house. I do not recall exactly where he said I would find, you know, the equipment that helped the, or that worked together with the CCTV  
10 lights, but he did tell me that that would be inside the house.

**ADV REFILWE MOLEFE:** And what other equipment in addition to the two LED lights and equipment that relates to the functionality of the LED lights?

**THEMBA PATRICK MLAMBO:** It will be the cameras.

**ADV REFILWE MOLEFE:** Yes.

**THEMBA PATRICK MLAMBO:** CCTC Cameras.

**ADV REFILWE MOLEFE:** You deal with this in paragraph 16 of your statement. Please tell the Chair about this starting with how you arrived at the property.

**CHAIRPERSON:** Would it have taken you about 30 minutes to travel from the first property that you went to, to this one?

20 **THEMBA PATRICK MLAMBO:** Ja, approximately around that.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE:** Thank you Chair. Please tell the Chair about this inspection starting with how you found the property.

**THEMBA PATRICK MLAMBO:** Mr Le Roux informed me that just like the other sites that were visited before that although he did not have the address or did not know the

address, but he basically knew how to get there. So we drove, you know, based on his recollection.

**ADV REFILWE MOLEFE:** Yes and did you know the address of the property?

**THEMBA PATRICK MLAMBO:** I did not know the address of the property neither did Mr Le Roux know it.

**ADV REFILWE MOLEFE:** And where is this property located?

**THEMBA PATRICK MLAMBO:** This property is located at a place called Cala.

**ADV REFILWE MOLEFE:** Can you please spell that for the record?

**THEMBA PATRICK MLAMBO:** Cala is C-A-L-A.

10 **ADV REFILWE MOLEFE:** Yes and did Mr Le Roux indicate who the property belongs to?

**THEMBA PATRICK MLAMBO:** He indicated to me that that particular property is also associated with Minister Mantashe.

**ADV REFILWE MOLEFE:** Yes and did you reach this place that Mr Le Roux was directing you to?

**THEMBA PATRICK MLAMBO:** We did reach the place.

**ADV REFILWE MOLEFE:** And what did you find when you arrived?

**THEMBA PATRICK MLAMBO:** Upon arrival at the place there was nobody. So it was a locked gate. Basically there were two gates. It was a big gate and a small gate.

20 **ADV REFILWE MOLEFE:** Yes and what did you do when you got to the gate?

**THEMBA PATRICK MLAMBO:** When I got to the gate I tugged on the chain that was on the locked big gate for attention.

**ADV REFILWE MOLEFE:** And was there any response?

**THEMBA PATRICK MLAMBO:** In actual fact even before I did that I called Mr Mandisi. The same gentleman who I had called on the first premises for him to advise the

Minister that I was at the premises to come and conduct the investigation on the installations.

**ADV REFILWE MOLEFE:** Yes and what did you then do?

**THEMBA PATRICK MLAMBO:** Unfortunately the phone just rang and there was no reply to it. Then I tugged the gate for attention, still there was no response from the house and I actually shouted. I was actually fascinated because you know it is one of those instances when you have been brought up in the homelands you would greet somebody far from you and say [Xhosa] to that effect. So I actually shouted, you know, for attention in that manner, but there was no response.

10 **ADV REFILWE MOLEFE:** And could you see inside the yard of that property?

**THEMBA PATRICK MLAMBO:** Well yes you could see inside the yard because, you know, it was just an open fence like that. See through fence where you could see, you know, easily what you know the house looks like and what is visible to a naked eye.

**ADV REFILWE MOLEFE:** Yes and having not gotten hold of Mr Mandisi and having not had a response to you knocking at the gate as you say. What then happened?

**THEMBA PATRICK MLAMBO:** What then happened is realising that the small gate was open and inside this big yard there were three other smaller properties, you know, or three smaller houses. So I went in with the hope that I would find somebody you know that I could talk to, but unfortunately in all those three houses there was nobody.

20 **ADV REFILWE MOLEFE:** And did Mr Le Roux go in with you?

**THEMBA PATRICK MLAMBO:** No, no Mr Le Roux never got into the house.

**ADV REFILWE MOLEFE:** So what then?

**THEMBA PATRICK MLAMBO:** Only into the yard.

**ADV REFILWE MOLEFE:** Yes. What happened when you entered the yard?

**THEMBA PATRICK MLAMBO:** Realising that there was nobody and the stuff that I



was looking for was basically visible to the naked eye, you know. So I decided to take the opportunity of going around the property taking the photos of the installations and also a video.

**ADV REFILWE MOLEFE:** And when you were taking pictures and videos of the installations were you doing so at the locations that Mr Le Roux had indicated?

**THEMBA PATRICK MLAMBO:** Indeed.

**ADV REFILWE MOLEFE:** And where did he say this equipment would be found?

**THEMBA PATRICK MLAMBO:** He told me the equipment, the CCTV Cameras would be all around the corners of the property and then also there would be two LED lights.

10 **ADV REFILWE MOLEFE:** And did you find these cameras and the LED lights?

**THEMBA PATRICK MLAMBO:** I did Chairperson.

**ADV REFILWE MOLEFE:** Did Mr Le Roux at any point, point out these LED lights and the cameras?

**THEMBA PATRICK MLAMBO:** Yes, from inside of the car.

**ADV REFILWE MOLEFE:** You could see them from inside of the car?

**THEMBA PATRICK MLAMBO:** I could see them.

**ADV REFILWE MOLEFE:** And what then happened after you took the pictures and the video?

**THEMBA PATRICK MLAMBO:** I then left the premises.

20 **ADV REFILWE MOLEFE:** Can you turn with me to EXHIBIT TPM22 and that appears on page 38 of the bundle? Can you explain to the Chair what appears on that page?

**THEMBA PATRICK MLAMBO:** What appears on this particular page is both the CCTV Camera as well as the LED light.

**ADV REFILWE MOLEFE:** And where is this CCTV Camera and LED light located?

**THEMBA PATRICK MLAMBO:** If you are on the street and facing the house it will be

on the right hand side corner of the house on top.

**ADV REFILWE MOLEFE:** And is it visible from outside the premises where Mr Le Roux was?

**THEMBA PATRICK MLAMBO:** It is clearly visible.

**ADV REFILWE MOLEFE:** And you say he pointed it out in the car?

**THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** Can you then turn with me to page 39? That is EXHIBIT TPM23.

**THEMBA PATRICK MLAMBO:** That is correct.

10 **ADV REFILWE MOLEFE:** What appears on that page?

**THEMBA PATRICK MLAMBO:** What appears on the page is another LED light?

**ADV REFILWE MOLEFE:** And where is this LED light positioned?

**THEMBA PATRICK MLAMBO:** This LED light is located on the left hand side of the premises which is also visible to anybody, you know, on the street or wherever.

**ADV REFILWE MOLEFE:** Yes and you say that Mr Le Roux pointed this out from the car?

**THEMBA PATRICK MLAMBO:** That is correct.

**ADV REFILWE MOLEFE:** Can you turn to the following page, page 40 TPM24? What appears on that page?

20 **THEMBA PATRICK MLAMBO:** What appears on this particular page is a CCTV Camera.

**ADV REFILWE MOLEFE:** And where is it located?

**THEMBA PATRICK MLAMBO:** This is located just above the wall but below the roof of the right hand side corner of the house.

**ADV REFILWE MOLEFE:** And is it visible from where the car was?

**THEMBA PATRICK MLAMBO:** Yes, it is visible.

**ADV REFILWE MOLEFE:** And Mr Le Roux pointed this out as well?

**THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** Can you turn to page 41, TPM25? What appears on that page?

**THEMBA PATRICK MLAMBO:** What appears on this particular page would be the two CCTV Cameras.

**ADV REFILWE MOLEFE:** And where are these cameras located?

**THEMBA PATRICK MLAMBO:** These ones are located also on top of the left hand  
10 side of the wall of the house but from the street you could only see the camera that is  
on the right hand side not the one on the left hand side.

**ADV REFILWE MOLEFE:** And you say Mr Le Roux pointed to some of the equipment  
from the car?

**THEMBA PATRICK MLAMBO:** That is correct.

**ADV REFILWE MOLEFE:** So which of these two cameras did he point to?

**THEMBA PATRICK MLAMBO:** The one on the right hand side.

**ADV REFILWE MOLEFE:** And did he say anything in relation to the camera on the left  
side?

**THEMBA PATRICK MLAMBO:** Well he never said anything, because he could not see  
20 it. So he could not point at something that he could not see save to say that the  
cameras were all installed by the team.

**ADV REFILWE MOLEFE:** And what makes you say that?

**THEMBA PATRICK MLAMBO:** Ja, what makes me to say that is the fact that he said  
that the installations were done by them, but the point I am making here is that in terms  
of pointing out at that moment he could not point out at something that he could not

see.

**ADV REFILWE MOLEFE:** Yes.

**THEMBA PATRICK MLAMBO:** That is all.

**ADV REFILWE MOLEFE:** But had he ever mentioned the other camera that is not visible from the street?

**THEMBA PATRICK MLAMBO:** Well in relation to those that were apparent to him from the street he could point out. Those that were on the obscure side of the street he could not point out.

**ADV REFILWE MOLEFE:** Did he tell you about them?

10 **THEMBA PATRICK MLAMBO:** He did tell me to the effect that they installed the CCTV Cameras all around the property.

**ADV REFILWE MOLEFE:** Yes. Can you also turn to page 42? That is TPM26. What appears on that page?

**THEMBA PATRICK MLAMBO:** What appears on this page is also two CCTV Cameras.

**ADV REFILWE MOLEFE:** And where are they located?

**THEMBA PATRICK MLAMBO:** You see if you are on the street and facing the property and looking at, particularly if you are on the right hand side of the corner of the property. They can easily see the two cameras.

20 **ADV REFILWE MOLEFE:** And did Mr Le Roux point to these cameras?

**THEMBA PATRICK MLAMBO:** He did.

**ADV REFILWE MOLEFE:** Can you also turn to page 43 and that is TPM27?

**THEMBA PATRICK MLAMBO:** That is correct.

**ADV REFILWE MOLEFE:** What appears on that page?

**THEMBA PATRICK MLAMBO:** What appears on this particular page are also two

CCTV Cameras.

**ADV REFILWE MOLEFE:** Yes and where are they located?

**THEMBA PATRICK MLAMBO:** These ones are situated diagonal opposite, rather if you are facing; these were behind the house in the rear of the house but facing the two directions. One facing behind the house and then the other one facing on the side of the house particularly the left and the right of the house.

**ADV REFILWE MOLEFE:** Yes and are they visible from the street?

**THEMBA PATRICK MLAMBO:** These ones are not visible from the street.

**ADV REFILWE MOLEFE:** So Mr Le Roux could not have pointed to them?

10 **THEMBA PATRICK MLAMBO:** He could not point those ones out.

**ADV REFILWE MOLEFE:** Did he mention them to you?

**THEMBA PATRICK MLAMBO:** He did mention that they installed cameras all around the property.

**ADV REFILWE MOLEFE:** Yes. You then make mention of a video that was taken and this video does it show the pictures that we have just taken the Chair through?

**THEMBA PATRICK MLAMBO:** Definitely they do show.

**ADV REFILWE MOLEFE:** Chair there is no need to play the video.

**CHAIRPERSON:** The cameras on page 43 are those the ones that you say could not be or were not visible from the street?

20 **THEMBA PATRICK MLAMBO:** *Ja*, those ones are not visible from the street Chairperson.

**CHAIRPERSON:** So what do you do in order to be able to take the picture? Did you go inside? How did you take the [intervenes]?

**THEMBA PATRICK MLAMBO:** *Ja*, because I was inside the premises, basically where the house is situated you can walk around the house.

**CHAIRPERSON:** Yes.

**THEMBA PATRICK MLAMBO:** So because I was inside the property and all this was accessible [intervenes].

**CHAIRPERSON:** Oh, when you took the one at page 43 you were inside the property?

**THEMBA PATRICK MLAMBO:** Yes.

**CHAIRPERSON:** Not in the street?

**THEMBA PATRICK MLAMBO:** Not in the street.

**CHAIRPERSON:** Okay, alright.

**ADV REFILWE MOLEFE:** Yes. You earlier said that when you arrived at the property  
10 there were two gates and that the big gate was closed and that there was a smaller gate. Is that correct?

**THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** You then said that you entered through the small gate?

**THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** Onto the premises/

**THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** Yes.

**CHAIRPERSON:** So the small gate was not locked?

**THEMBA PATRICK MLAMBO:** No, no it was not locked. It was open Chairperson.

20 **CHAIRPERSON:** Yes.

**THEMBA PATRICK MLAMBO:** Yes.

**CHAIRPERSON:** But there was nobody.

**THEMBA PATRICK MLAMBO:** Ja.

**CHAIRPERSON:** In the premises?

**THEMBA PATRICK MLAMBO:** And if I have to remind the Chair what I had said that

the purpose for going in, in particular through this open small gate was to look at any other person who would be in one of the three houses inside the premises, because in my mind perhaps you know sometimes you knock and think people, they can hear you only to find that they are not hearing you because perhaps they are sleeping you know or whatever or they are busy with whatever they were busy with and they cannot hear you or see you.

**CHAIRPERSON:** Hm, so you went in for that purpose, but then and then you did not find anybody?

**THEMBA PATRICK MLAMBO:** I could not find anybody.

10 **CHAIRPERSON:** And then you walked around the house?

**THEMBA PATRICK MLAMBO:** Yes.

**CHAIRPERSON:** The houses and the premises?

**THEMBA PATRICK MLAMBO:** The premises yes.

**CHAIRPERSON:** And took the photos?

**THEMBA PATRICK MLAMBO:** Yes.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE:** Thank you Chair. What then happened after taking these pictures and the video?

20 **THEMBA PATRICK MLAMBO:** What happened thereafter, I left the premises. We left the premises and then we drove off.

**ADV REFILWE MOLEFE:** Did you ever call Mr Mandisi again?

**THEMBA PATRICK MLAMBO:** I did not call Mr Mandisi again.

**ADV REFILWE MOLEFE:** Did Mr Mandisi return your call?

**THEMBA PATRICK MLAMBO:** Indeed.

**ADV REFILWE MOLEFE:** And what discussion took place?

**THEMBA PATRICK MLAMBO:** *Ja.* I basically informed Mr Mandisi as to the reasons why I had called him. firstly thanking him for having returned my call and I informed him that the purpose of my call was to let him advise the Minister that I was at his premises for the purposes of the investigation and let me also remind you Chairperson that as far as I can recall the Minister had actually welcomed the investigation when he appeared on TV at one instance. That he welcomed anybody to conduct the investigation [intervenes].

**CHAIRPERSON:** *Ja,* but he did not invite anybody to just go there without any prior arrangements.

10 **THEMBA PATRICK MLAMBO:** Chairperson.

**CHAIRPERSON:** He did not say anybody could just rock up in his house and start taking pictures.

**THEMBA PATRICK MLAMBO:** Chairperson there was no ill intention on my part and the question could be asked and fairly so as to how early is early and how prior is prior notice, you know. So.

**CHAIRPERSON:** Are you know trying to justify not giving them prior arrangements and this had got nothing to do with him being Minister just for anybody?

**THEMBA PATRICK MLAMBO:** No, no Chair. No, no Chairperson. I do not want to even appear to be doing that. I think that would be disingenuous of me to do that.

20 **CHAIRPERSON:** Hm.

**THEMBA PATRICK MLAMBO:** I do not want to, I am not justifying myself definitely.

**CHAIRPERSON:** Yes, okay.

**ADV REFILWE MOLEFE:** Thank you Chair. Mr Mlambo you were explaining to the Chair what conversation took place between yourself and Mr Mandisi?

**THEMBA PATRICK MLAMBO:** Yes. So Mr Mandisi said to me well I do hear what you



are saying, but I will advise the Minister accordingly, but whatever the discussion that we having can you reduce it to writing in a similar message so that I can pass it on to him and I undertook to do that and I sent him an SMS.

**ADV REFILWE MOLEFE:** Yes and that is SMS is what is reflected at paragraph 17?

**THEMBA PATRICK MLAMBO:** Yes that is correct.

**ADV REFILWE MOLEFE:** Could you please read that SMS into the record?

**THEMBA PATRICK MLAMBO:** “Morning Mandisi, our telephone discussion a short while ago refers. As indicated to you I tried calling you to no avail. Thank you for returning my calls. I  
10 called with the hope to let the Minister Mantashe know that I am in both premises at Cala and Elliot as part of my investigation into the security installations by Bosasa. Further deleverage on the courtesy of the Minister in opening his doors to investigators based on his media address. I found Ms...”

Okay. I will not mention the name of the woman who I found at Elliot.

**ADV REFILWE MOLEFE:** Yes.

**THEMBA PATRICK MLAMBO:** “I found Ms X in Elliot and she allowed me access. I left the details with her. Unfortunately I could not find anyone in Cala. However I took the photos of visible external  
20 installations. Please once more extend my gratitude to the Minister, Themba Patrick Mlambo.”

**ADV REFILWE MOLEFE:** And was there any response to this message?

**THEMBA PATRICK MLAMBO:** I did not, no I have not received any response thereto.

**ADV REFILWE MOLEFE:** And was there any further interaction be it from Mr Mandisi or anyone in respect of the inspection and the pictures that you took in line with the

inspection?

**THEMBA PATRICK MLAMBO:** Come again.

**ADV REFILWE MOLEFE:** Did you have any interaction with anyone be it Mr Mandisi or anyone else in respect of the inspections that you undertook at both Elliot and Cala?

**THEMBA PATRICK MLAMBO:** Yes indeed.

**ADV REFILWE MOLEFE:** And who did you interact with?

**THEMBA PATRICK MLAMBO:** Firstly I got a call from a female person who identified herself as Ms Mantashe.

**ADV REFILWE MOLEFE:** When did you receive this call?

10 **THEMBA PATRICK MLAMBO:** This was on the evening of, if I may recall.

**ADV REFILWE MOLEFE:** You deal with that at paragraph 19.

**THEMBA PATRICK MLAMBO:** Yes. *Ja*, this was on the 20<sup>th</sup>.

**ADV REFILWE MOLEFE:** On the 20<sup>th</sup> of?

**THEMBA PATRICK MLAMBO:** 20 February 2019.

**ADV REFILWE MOLEFE:** Yes and what did you say the person who called identified herself as Ms Mantashe?

**THEMBA PATRICK MLAMBO:** Yes, she identified herself as Ms Mantashe.

**ADV REFILWE MOLEFE:** And what did she say to you?

20 **THEMBA PATRICK MLAMBO:** She was really accusing me and very strongly so for having gone into her properties without her permission.

**ADV REFILWE MOLEFE:** And what did you say in response?

**THEMBA PATRICK MLAMBO:** I tried to inform her that the purpose of my investigation was solely, the purpose of my visit was solely on investigation purposes as well as the fact that I tried to call the Minister, but she would not hear anything of that nature. She actually went on and on, you know, accusing me. At some instance I

remember saying to her ma'am please allow me an opportunity to say what I want to say and she told me she would not listen to anything that I wanted to say. I then said well ma'am it is fine. I will wait for you to talk and finish and then when you are ready for me to talk you know to you please allow me to do that. So she hung up on me after you know verbal you know attack which you know understanding that she was upset you know I apologised for the fact that she was upset about me doing my work.

**ADV REFILWE MOLEFE:** Did she say that she was upset about you doing your work?

**THEMBA PATRICK MLAMBO:** Well I apologised for the fact that you know she was upset. That is what I was apologising for and the fact that look I was basically doing my  
10 work you know. There was no ill intention on my part.

**ADV REFILWE MOLEFE:** And did you speak to anyone else regarding your inspection at Elliot and Cala?

**THEMBA PATRICK MLAMBO:** During my conversation with Ms Mantashe there was a call that you know I could hear in my phone beeping because it looked like there was someone calling me, so just after we finished talking with Ms Mantashe I saw a message saying something to the effect that please call me Mantashe, but then immediately after there was a call that came in and it was from Mr Mantashe himself.

**ADV REFILWE MOLEFE:** And how do you know that it was Mr Mantashe himself?

**MR THEMBA PATRICK MLAMBO:** I've listened to, I've heard Mr Mantashe quite a  
20 number of times talking, well and one would think I attended where he was present, but also on many occasions Mr Mantashe has been on TV talking so he has got a unique voice to me which is you know distinguishable from any other voice, so I knew right from the call that it was indeed Mr Mantashe.

**ADV REFILWE MOLEFE:** And what did he say to you?

**MR THEMBA PATRICK MLAMBO:** Like Ms Mantashe he also you know attacked me

and you know maybe attack would be too strong a word but he extended his unhappiness at my going to his premises without notifying him, so and what is common that he said which Ms Mantashe also said was that now they had to fire the woman that let me into the property, the woman that was responsible for the property at the first premise because she allowed me to go in, so – and I was you know pleading with them to say look you know I don't know if I'm qualified but you know please do not fire her, I don't think she also had any bad intention but well look it was not my place to tell them what to do, but both of them indicated that as a result of her allowing me and giving me access to the property they are going to fire her or they had fired her.

10 **ADV REFILWE MOLEFE:** Yes and was there any other further interaction in respect of the inspection at Elliot Cala?

**MR THEMBA PATRICK MLAMBO:** Not from the two of them at least.

**ADV REFILWE MOLEFE:** Yes, and the detail that you've just given to the Chair you have provided in your statement at paragraph 19 and 20?

**MR THEMBA PATRICK MLAMBO:** Yes I have.

**ADV REFILWE MOLEFE:** At paragraph 18 you deal with another property that was inspected, please tell the Chair about this property.

**MR THEMBA PATRICK MLAMBO:** Chairperson in terms of the plan on this particular investigation I had planned to amongst other places visit and do site inspection on the  
20 property that is associated with Ms Duduzile Myeni.

**ADV REFILWE MOLEFE:** And how did you know that the property is associated with Ms Dudu Myeni?

**MR THEMBA PATRICK MLAMBO:** How I got to know that it was associated with her was the fact that after I had come back from investigation and had obtained an address and contacted my search team who did property search and I realised that that

particular property was associated with Ms Myeni.

**ADV REFILWE MOLEFE:** Yes, but before that investigation were you – did you ever speak to Mr Le Roux or rather did Mr Le Roux ever tell you who the property belonged to.

**MR THEMBA PATRICK MLAMBO:** He did inform me that that property was associated with Ms Myeni.

**ADV REFILWE MOLEFE:** And what did he say was installed at the property?

**MR THEMBA PATRICK MLAMBO:** What he said they had installed in the property was the electric fence, the beams, the CCTV cameras, and I do recall that I think  
10 something that had to do with the equipment that was inside the house as well, I can't remember what that particular equipment was save to say that it also had to do with the functioning of the particular cameras, the beams as well as the CCTV camera.

**ADV REFILWE MOLEFE:** Yes, and on what date was this visit scheduled?

**MR THEMBA PATRICK MLAMBO:** This visit was scheduled for the 21<sup>st</sup>. Ja, it was scheduled for the 21<sup>st</sup> of February 2019.

**ADV REFILWE MOLEFE:** And in which area is the property located?

**MR THEMBA PATRICK MLAMBO:** This property is in Richards Bay, KZN.

**ADV REFILWE MOLEFE:** Now at paragraph 18 you relay events that took place on the 20<sup>th</sup> of February 2019, please explain this to the Chair.

20 **MR THEMBA PATRICK MLAMBO:** Chairperson like I just said a while ago the intended site inspection was intended for the 21<sup>st</sup> of February 2019, but on this day on the 20<sup>th</sup> when we arrived at – remember that very day I had left KZN and I flew to Jo'burg, from Jo'burg I flew to KZN. Now upon arrival at KZN at Richards Bay to be specific on our way to the hotel I had a discussion with Mr Le Roux who informed me that he could not recall exactly how to go to the property that we had intended to visit

the next day, but I said to him look we agreed that that being the case, so that we don't waste time the next day when we go there maybe we should drive around, so that he could recall exactly how to get there. Indeed I took the car from the airport, we drove in the area, you know we took a few turns that he could recall and ultimately we could spot the house, and it was easy to spot the house for him at least because immediately you know when we approached the particular house you could immediately see the cameras installed as well as the electric fence on the property, which he said was the property that we were supposed to visit. So I took down the straight address, so at that instance I did not take any video or camera, or shots of the installations because that

10 was the work that we had intended to do the next day on the 21<sup>st</sup>.

**ADV REFILWE MOLEFE:** And the cameras that you say Mr Le Roux could see from where could he see the equipment?

**MR THEMBA PATRICK MLAMBO:** He could see the equipment basically from the two sides of the street. On the main road it is a corner property Chairperson, so from the two streets that meet you can see the one side of the house and the other side, so only from the two sides of the street you could see the properties, the installations.

**ADV REFILWE MOLEFE:** And you say that Mr Le Roux saw the cameras, did he point them out to you as cameras that he installed?

**MR THEMBA PATRICK MLAMBO:** He did, in actual fact as soon as we approached

20 the property he said oh there it is, I can even see the cameras there, even before we got to the actual property, just by approaching this on the street, he could immediately see the cameras.

**ADV REFILWE MOLEFE:** Yes, what did you then do after that?

**MR THEMBA PATRICK MLAMBO:** After that we left the place because already now we knew what house we wanted to go to.

**ADV REFILWE MOLEFE:** Yes and did you have any interaction with anyone except Mr Le Roux in respect of what was said to Ms Dudu Myeni's property?

**MR THEMBA PATRICK MLAMBO:** No.

**ADV REFILWE MOLEFE:** Did you ever speak to Ms Myeni at any point?

**MR THEMBA PATRICK MLAMBO:** Yes on the evening of the 20<sup>th</sup> after I had spoken to Mr and Mrs Mantashe and having you know absorbed the criticisms that they had levelled against me, then I thought it prudent to maybe make a call to Ms Myeni and advise her on the intended visit the next day.

**ADV REFILWE MOLEFE:** And what did Ms Myeni say?

10 **MR THEMBA PATRICK MLAMBO:** I first introduced myself and we spoke quite well, up until I indicated that I was the investigator with the State Capture Commission then she went like house on fire, accusing me of being unprofessional by calling her in the evening and also the fact that she had a husband and she had children, she can't take calls at night, in which case I apologised for calling her at night, but really the intention of my call at that point in time was really to say ma'am you know I am on the investigation and I intend coming to your property tomorrow, will there be someone, so but unfortunately she really reprimanded me strongly and informed me that she would not have her property taken photos of, and whatever I wanted to do I should send her an email and request permission. So ...(intervention)

20 **ADV REFILWE MOLEFE:** And did you send her an email?

**MR THEMBA PATRICK MLAMBO:** I did send her an email.

**ADV REFILWE MOLEFE:** And what did she say you should indicate in the email, you said that she said, you talked about permission.

**MR THEMBA PATRICK MLAMBO:** Well she said I must state the reasons why I wanted to come into her property and basically request permission you know, so I did

exactly that, I sent her an email to that effect and ...(intervention)

**CHAIRPERSON:** Was that on – during the same evening?

**MR THEMBA PATRICK MLAMBO:** No, no, no that was the next day on the 21<sup>st</sup> of February 2019, because the - when we spoke in the evening she would not even let me finish you know what I wanted to say, in which case I accepted and I indicated that I would call in the morning. So in the morning of the 21<sup>st</sup> I think it was just after nine if I'm correct, if I may refer Chairperson.

**ADV REFILWE MOLEFE:** You deal with that at paragraph 23 of your statement.

**MR THEMBA PATRICK MLAMBO:** Yes, at 8:59 am according to watch at that time on  
10 the 25<sup>th</sup> of February that's when I called Ms Myeni.

**ADV REFILWE MOLEFE:** And you say that she said that you must send her an email?

**MR THEMBA PATRICK MLAMBO:** Yes.

**ADV REFILWE MOLEFE:** Was the email to be directed to anyone else?

**MR THEMBA PATRICK MLAMBO:** Well she gave me two email addresses Chairperson, the first being that of her attorneys and then the second one being a personal email, and I sent an email to both of those addresses he had provided me you know stating exactly what the intention of my visit was.

**ADV REFILWE MOLEFE:** And what did you state to be the intention of the visit?

**MR THEMBA PATRICK MLAMBO:** I stated that I was intending to visit to do  
20 investigation on the installations that were purportedly had been conducted by the Special Teams Project of Bosasa.

**ADV REFILWE MOLEFE:** And was there any response to that email?

**MR THEMBA PATRICK MLAMBO:** There was a response to that email Chairperson and what I found to be, if I may put it that way, out of order, was that instead of dealing with the permission of allowing me in or not allowing me into her property, she started



asking me about my investigations about you know who else you know I was investigating and stuff like that, you know something to that effect and I found that to be out of order and very intrusive so I would not respond to that because in my opinion at least because she had provided me with the contact numbers of her attorneys that if there was a problem maybe the attorneys were the ones that were supposed to interact with me, so I thought it prudent to leave the matter, not to respond to that particular one because I thought it was best to be dealt with by the legal team.

**ADV REFILWE MOLEFE:** In paragraph 24 you speak of ...(intervention)

**CHAIRPERSON:** Did you hand it over to the Commission's legal team to deal with?

10 **MR THEMBA PATRICK MLAMBO:** Ja, what happened is Chairperson in my interaction with her I copied, if I do recall Advocate Norman as well as my supervisor, being Mr Frank Dalton.

**CHAIRPERSON:** But did you ask the Legal team to advise what the response should be or to respond to her email?

**MR THEMBA PATRICK MLAMBO:** Chairperson I think it was an oversight on my part, based on the fact that I had copied Advocate Norman in that, but I never made a follow-up, so I must admit then it must have been an oversight on my part, to continue – not to respond to her email because I assumed that if there was an issue that would arise from Ms Myeni's attorneys they would direct it to the Commission Legal Team, so it was  
20 an oversight on my part.

**CHAIRPERSON:** So she sent you a response to your email and in the response she didn't say whether she was granting permission or refusing permission for you to visit her property?

**MR THEMBA PATRICK MLAMBO:** In her response she informed me that the permission was going to be subject to her receiving my response to the questions that

now were not dealing with the actual access but dealing with you know my investigation, which I thought you know is something that I could not do, to share the investigation into other people's ...(intervention)

**CHAIRPERSON:** You mentioned something about her attorneys did she give you the names and contact details of her attorneys in that email?

**MR THEMBA PATRICK MLAMBO:** She did.

**CHAIRPERSON:** Or did she say why you should contact them, was it because they were to deal with further communication or what?

**MR THEMBA PATRICK MLAMBO:** Well Chairperson when I spoke to her she gave me  
10 two contact emails which is her personal email as well as that of her attorneys, so when I wrote that email requesting access I addressed it to both emails.

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

**ADV REFILWE MOLEFE:** Thank you Chair. And did you conduct an investigation to establish who the property belonged to?

**MR THEMBA PATRICK MLAMBO:** I did that Chairperson.

**CHAIRPERSON:** I think you already covered that.

**ADV REFILWE MOLEFE:** Yes, earlier. Now earlier when in fact yesterday you had directed the Chair to paragraph 25 of your statement which you said was incomplete.

**CHAIRPERSON:** Well before that, let's finish about the visit to Ms Myeni's property.  
20 You spoke to her in the evening and you sent her an email on the morning of the 21<sup>st</sup>?

**MR THEMBA PATRICK MLAMBO:** That is correct Chairperson.

**CHAIRPERSON:** Before you left the area did you take any pictures of the cameras that you could see from the street?

**MR THEMBA PATRICK MLAMBO:** I did not do that Chairperson because as she had said that she would consider that to be an invasion to her privacy.

**CHAIRPERSON:** Yes, but did you say that Mr Le Roux had confirmed that the cameras that could be seen from the street were cameras that had been installed by the Special Project Team from Bosasa?

**MR THEMBA PATRICK MLAMBO:** Ja, that is what Mr Le Roux informed me and as he was pointing out at those cameras.

**CHAIRPERSON:** Okay, alright.

**ADV REFILWE MOLEFE:** Thank you Chair, at paragraph 25 of your statement you had drawn the Chair's attention to page 8 where you said that paragraph 25 was incomplete.

10 **MR THEMBA PATRICK MLAMBO:** That is correct.

**CHAIRPERSON:** Well you remember he did tell us what should go in there, we don't have to repeat it.

**ADV REFILWE MOLEFE:** Indeed so. And the email correspondence between yourself and Ms Myeni is not attached to this bundle, do you confirm that?

**MR THEMBA PATRICK MLAMBO:** I do confirm that.

**ADV REFILWE MOLEFE:** I'm sure that can be dealt with by way of supplementary. Chair unless there are any further questions that is the evidence of Mr Mlambo.

**CHAIRPERSON:** Thank you very much. So roundabout what time or what day did you leave the area where Ms Myeni's property is, on the – did you leave on the 21<sup>st</sup> or did  
20 you leave some other time?

**MR THEMBA PATRICK MLAMBO:** I never went there on the 21<sup>st</sup>, I only went there ... (intervention)

**CHAIRPERSON:** But you were in the area isn't it?

**MR THEMBA PATRICK MLAMBO:** Yes I was in the area.

**CHAIRPERSON:** You were spending the night in the area?

**MR THEMBA PATRICK MLAMBO:** Yes.

**CHAIRPERSON:** Yes, did you leave on the 21<sup>st</sup> to go back to Jo'burg or whatever?

**MR THEMBA PATRICK MLAMBO:** Yes, I left on the 21<sup>st</sup>.

**CHAIRPERSON:** Okay.

**MR THEMBA PATRICK MLAMBO:** In actual fact I was waiting all morning for a response but then I had a flight to take and so with that limitation I had to leave.

**CHAIRPERSON:** Ja, okay, alright, thank you. Thank you very much Mr Mlambo, you are excused, if a need arises you are with the Commission's investigators, you can be called back. Thank you.

10 **MR THEMBA PATRICK MLAMBO:** Thank you Chairperson.

**CHAIRPERSON:** Okay. We should take the short adjournment, on my watch it's nineteen minutes past eleven, let's resume at twenty five to twelve. We adjourn.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**ADV LEAH GCABASHE:** Good that Ms Mashile-Nkosi is not testifying on any aspect as regards Bosasa.

**CHAIRPERSON:** Yes.

20 **ADV LEAH GCABASHE:** The Chair will recall that Ms Mabel Vytjie Mentoer during her testimony referred to conversations she had had with Ms Mashile-Nkosi and it is on that aspect that Mr Mashile-Nkosi appears before you today.

**MR THEMBA PATRICK MLAMBO:** Thank you.

**ADV LEAH GCABASHE:** Thank you. If the witness may be sworn in?

**CHAIRPERSON:** Yes Registrar please do that?

**REGISTRAR:** Please state your full names for the record?

**MS DAPHNE MASHILE-NKOSI:** My name is Daphne Mashile-Nkosi.

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

**MS DAPHNE MASHILE-NKOSI:** No I do not.

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

**MS DAPHNE MASHILE-NKOSI:** Yes it is.

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

**MS DAPHNE MASHILE-NKOSI:** So help me God.

**REGISTRAR:** Thank you.

10 **ADV LEAH GCABASHE:** Thank you Chair. Chair you will...

**CHAIRPERSON:** Thank you.

**ADV LEAH GCABASHE:** You will recall that during Ms Mgobadeli appearance we submitted Exhibit D8. Exhibit D8 continues – contains two documents. The first was a statement by Ms Mgobadeli and the second part of D8 is a statement which is supposed to by Ms Mashile-Nkosi.

**CHAIRPERSON:** Yes I have got it.

**ADV LEAH GCABASHE:** Ms Mashile-Nkosi you have next to you a little bundle marked Exhibit D8. Now if you flip through that bundle halfway through you will find an index – index to D8[b] Daphne Mashile-Nkosi. Have you located it?

20 **MS DAPHNE MASHILE-NKOSI:** Yes.

**ADV LEAH GCABASHE:** Do you confirm that that is the statement you have made to this commission?

**MS DAPHNE MASHILE-NKOSI:** Yes I do.

**ADV LEAH GCABASHE:** And if you refer to page DMN03 of that statement do you confirm that is your signature and that it was appended on the 23<sup>rd</sup> day of November

2018?

**MS DAPHNE MASHILE-NKOSI:** Yes it is my signature.

**ADV LEAH GCABASHE:** Chair just to locate Ms Mashile-Nkosi's evidence the Chair will recall that Ms Mentor and for the record referred to three distinct telephone calls she had made to Ms Daphne Mashile-Nkosi on the day that she was offered the Minister of Public Enterprises by the Gupta family and these will be in paragraph 70, 84 and 100 of her statement. She further though during oral testimony indicated that she had made a fourth phone call to Ms Mashile-Nkosi in particular on that day in October on the date of the reshuffle and that would be the 31 October 2010. It is respect to  
10 these four telephone conversations that Ms Mashile-Nkosi is going to testify today.

**CHAIRPERSON:** Thank you.

**ADV LEAH GCABASHE:** Before we do so could you tell the Chair briefly what it is you do currently?

**MS DAPHNE MASHILE-NKOSI:** My name is Daphne Nkosi as I indicated. I am a miner. I own a mining company called Kalagadi Manganese. I started in 2001 but before that I started a company called Exarro which was a [indistinct] coal from 1998 we mined coal. It is listed on the JSE, New York Stock Exchange, Australian Stock Exchange and the London Stock Exchange. In Kalagadi I started with my late husband in 2001 and I still own 80% of the company and that 20% is owned by the Industrial  
20 Development Corporation. So I am a miner.

**CHAIRPERSON:** Thank you.

**ADV LEAH GCABASHE:** Thank you. And just for the record by miner for the transcribers is M-i-n-e-r. You state in your statement that you were an activist from around 1986 could you provide the Chair with a brief expose of that period and what you did at the time?

**MS DAPHNE MASHILE-NKOSI:** Thank you very much Chair / Madam. I am class of '76. I have been a young activist all my life. I was part of the Soweto Student Representative Council that planned the June 16 on the 13 June I was elected there and I have been an activist since up until today. My activism started there up until I went to prison in terms of Section 6 and of the Terrorism Act up until the introduction of the Internal Security Act of 1981 where there was a lot of detentions and repression in South Africa and therefore I was responsible for various programmes and support for those parents and families that had their children in prison or those that actually came from 1976 most of them – the majority of which were in my Student Representative Council were sentenced and convicted and sent to Robben Island for 5 years. When they came back we had a responsibility of starting NGO's that would support them. One of those NGO's was the Detainees Aid Movement in Soweto and the detainees parents support committee in Johannesburg which was as a result of a lot of white students who were NUSAS members at the time were arrested and therefore their parents felt it important to actually form this organisation so that we can support detainees. As a result of that I started – I was responsible I was the National Coordinator of all detainees in South Africa. So anyone and everyone who was detained between the years of 1976 up until 1990 would have actually come through my office or my interventions in terms of support.

20 **CHAIRPERSON:** Hm.

**MS DAPHNE MASHILE-NKOSI:** Whether it is welfare, whether it is appointing lawyers for them, whether it is moral support and material at some point.

**ADV LEAH GCABASHE:** And you deal with this in you statement. When did you meet Ms Mentoer for the first time and under what circumstances?

**MS DAPHNE MASHILE-NKOSI:** I met Ms Mentor when we were informed that there

was – the youngest detainee that has been moved from the Northern Cape to Sun City at the time because most of the young Xhosa students were actually kept at Sun City between 1986 to 1988 and because we were more concerned and I was responsible for child repression – children repression and the law in apartheid South Africa Conference that was held in Zimbabwe. We were actually trying to get information in terms of the number of children that were actually in detention and he was one of those that were underage at the time that was sitting at Sun City when he was actually transferred from the Northern Cape into Sun City which is the Johannesburg prison. So there were very few of those and I remember very well it was her and a lady called [indistinct] from

10 Tembisa and a 12 year old from Krugersdorp of which I can no longer recall the name.

**ADV LEAH GCABASHE:** Having met Ms Mentor at that time did you maintain your relationship with her? Have you maintained your relationship with her since?

**MS DAPHNE MASHILE-NKOSI:** I maintained that relationship fought for the rights for her to get support, for her to get visits but when she was released as well we continued the relationship up until I met her when we started the Women's Development Bank of which I am the chairman of the Women's Development Bank Investment company since inception from 1988 up until today. The responsibility at the time was to start a village bank for women to actually get funding so that they can start income generating project from an NGO point of view. Come 1994 when they all went into parliament we

20 continued that relationship because relationships that were built on difficulties are lasting relationships and I have kept most of them. And in 1993 in preparation for – in fact just after 1994 we actually as a women of South Africa under the auspices of the National Coalition of Women we took a [indistinct] of Tunisia and Chile to look at poverty programmes on how we can actually improve our country. So my relationship continued even when she was in parliament and each time she would come to



Johannesburg she knew that she could stay at my house at any given time whether I am there or not.

**ADV LEAH GCABASHE:** And she knowing that do you have a sense – can you give us a sense of how many times she actually stayed in your house during her visits in Johannesburg?

**MS DAPHNE MASHILE-NKOSI:** She has been to my house so many times so I cannot even count because in some instances she would be at my house when I was not there. But my children, people who work for me, my husband when he was still alive they knew that she was welcome at our house. Simply because of the relationship and the  
10 manner of that relationship and how deep that relationship was at the time that she was displaced in the Northern Cape and she actually stayed at my mom's house in Soweto even after [indistinct] Soweto even after she was actually released from prison.

**CHAIRPERSON:** Do you consider her a friend?

**MS DAPHNE MASHILE-NKOSI:** I consider her more than a friend.

**CHAIRPERSON:** Yes.

**MS DAPHNE MASHILE-NKOSI:** She is more of a younger sister to me.

**CHAIRPERSON:** Okay. Okay.

**ADV LEAH GCABASHE:** Now at page DMN02 of your statement at paragraph 6 you actually the references I gave from Ms Mentor's statement regarding the telephone  
20 calls she made on the day. You see that?

**MS DAPHNE MASHILE-NKOSI:** Yes I can.

**ADV LEAH GCABASHE:** The question is, do you have a recollection of any of the conversations she lists in paragraphs 70, 84 or 100?

**MS DAPHNE MASHILE-NKOSI:** I think my relationship with Vytjie is that I mean I cannot even recall how many calls she had made to me, how many times she has been

to my house. The conversations with her we have had over many many years, over 30 years, it spans over 30 years so she – your know would give you a call and say I am in Johannesburg I am coming or I am in Johannesburg this is what is happening and I would be doing other things and I would say okay fine you know it is fine, no problem. So for me I would never recall a specific conversation because you know I would discuss with her everything and anything. Even when she was in parliament if she had frustrations I would you know get a call and I will call and give advice if I have to or discussions but I can never pinpoint any call that she would have made to me specifically to say she called on this particular day and said this. I would not recall at

10 all.

**ADV LEAH GCABASHE:** Now to understand at paragraph 84 at the conclusion of that paragraph she states:

“As I did not know the place, this is in reference to the call she made from the Gupta residence, I was unable to let her know the address and simply told her I was brought to a strange house to apparently wait for the President”.

Looking back do you not recall such a conversation where she expressed her concern about – as regards her whereabouts at any given point?

**MS DAPHNE MASHILE-NKOSI:** I mean looking back and reading the statement again I would not think that this concern because if someone is called by their President from

20 the same party their comrades you would not be worried even if they are taken to a venue. Particularly if it is a President because we know I think that people are called in the middle of the night in places where you know they do not know simply because we are of the view we are outside remember of the structure. What the President’s security arrangements we would never know so if he says, I am in a strange place you excited probably I do not know I would have been probably excited that he was going to

be appointed or whatever. If I – if you are called by a President there are two things it is either going to be fired or you are going to be appointed. That is my view.

**ADV LEAH GCABASHE:** But you personally have never had reason at the time to be concerned about her wellbeing?

**MS DAPHNE MASHILE-NKOSI:** No. No I would never have had concern. I would be either excited or you know probably worried that he is going to be fired but knowing her you know how intelligent she is, you know because she is a teacher, she teaches maths and science and I know I have interacted with her and you know it would have been on the positive side rather than the negative.

10 **ADV LEAH GCABASHE:** Now in dealing – in your statement you deal with the allegations – her allegations that she had these conversations with you. You state that you do not have a recollection for the reasons that you have put forward. Would you take – do you take issue with her allegations in that regard that she had these conversations with you?

**MS DAPHNE MASHILE-NKOSI:** I would not. She talks to me on anything, on her children, on everything and anything. On her house, on – you know I would not have an issue with that because she does call me from time to time. I talk to her, her wellbeing I mean ja it is important to me.

**ADV LEAH GCABASHE:** Now you list in your statements other circumstances that you  
20 faced at the time that compound your inability to recall directly these conversations. Would you like to share them with the Chair?

**MS DAPHNE MASHILE-NKOSI:** I think at the time probably I was running my own business number 1. Number 2 I had lost my husband. Number 3 my company or I think I am the only person in South Africa that had his company or her company actually hijacked. My company was hijacked by eight people seven of which were state

president patients who were declared criminal – some of them criminally insane. And therefore I had to court to prove that I am who I am and that this is my company. Number 2 I had to court and sue the CIPC at the time and number 3 I still had to continue to sue government because my husband died in a hospital and I was of the view at the time and still am that it was negligence and I was suing. So I had all sorts of other problems. But also when you get a call from Vytjie it is not like you sit and you listen. You say this is what she is going to you know whether I am in the office I will pick the call because she is my sister. You know if – I know maybe she wants to tell me something and that is it. So I had all sorts of problems and I would never recall a

10 specific conversation. I would be more worried about the things that people do not know that she talks to me that probably you know people do not even know that I am more important than just this conversation. So for me if she says I am in trouble I mean... For instance the only time that Vytjie has never slept at my house it was when she was appearing in the commission because she did say the commission wants me to stay in a hotel and she told me so. She said my sister I apologise I am not coming. So she stays at my house so there are no issues. There is nothing untoward the discussions that we have had so ja and that is how I mean you never memorise and think that you know ten years or nine years down the line there will be an issue that wants you to talk about it. So I cannot really lie and say I remember specifically and I

20 cannot also say that I was concerned. I was not concerned at all.

**ADV LEAH GCABASHE:** So then if I may summarise your evidence is you understand Ms Mentor's allegations about conversations she had with you telephonically you do not recall them but you will not deny or take issue with her evidence in that regard. You will not deny that they took place?

**MS DAPHNE MASHILE-NKOSI:** I will not deny or take issue because I think I know

Vytjie more than a lot of people. I know who she is. I know her capabilities and I have no reason to actually doubt what she is saying that she did call me.

**ADV LEAH GCABASHE:** Thank you. Chair unless you have any questions?

**CHAIRPERSON:** This was something that happened a long time ago in 2010 so it is quite understandable if one cannot remember things that happened a long time ago. However at a certain stage she did go public and said that she had been taken to the Gupta residence and that at the Gupta residence somebody from the Gupta family I think she said Mr Ajay Gupta offered her the position of being Minister of Public Enterprises if she would be prepared to I think terminate a certain route for SAA to –  
10 from Johannesburg to India and subsequent to that that story as well as that of Mr Jonas became quite big in the whole country. You do remember that?

**MS DAPHNE MASHILE-NKOSI:** Yes I do.

**CHAIRPERSON:** Yes. Now if I recall correctly from her evidence she came out publicly about this in 2015. 2015 or 2016 I cannot remember. The question that I would want to ask you is whether when you became aware of what she was saying when she came out publicly? The two of you ever discussed that issue?

**MS DAPHNE MASHILE-NKOSI:** No, Thank you, thank you Chair. We did not because at the time she came out I had a sick child. A nineteen year old who had cancer who subsequently died in November 2016. So but also probably on hindsight I  
20 would have actually you know looked at it differently. If I was anybody or any politician being an activist all my life I know that individuals do not appoint people. They might have an influence but they actually do not. At the end of the day it is the prerogative of the President to actually appoint you or not. So for me yes I saw that, yes I saw what Jonas said I have been following the commission. Ja I have not because at the time I also did not want to interfere in trying to convince her otherwise. Probably I would said

could have done it differently I am not sure. But I did not want to interfere with that process as well.

**CHAIRPERSON:** You might not have – the two of you might not have discussed the issue immediately after she went public.

**MS DAPHNE MASHILE-NKOSI:** Ja.

**CHAIRPERSON:** But did you at any stage between then and now did the two of you discuss the issue?

**MS DAPHNE MASHILE-NKOSI:** No she actually called me and told me that she was going to the commission. She has made a statement and in the statement she had  
10 referred to the fact that she has spoken to me. And she told me I think a week before she actually was coming to actually testify.

**CHAIRPERSON:** Yes is that for the first time when she came for the first time last year or when she came second time?

**MS DAPHNE MASHILE-NKOSI:** When she came for the first time last year.

**CHAIRPERSON:** Yes, yes.

**MS DAPHNE MASHILE-NKOSI:** And since then she has not slept at my house and until she finished this year with the commission.

**CHAIRPERSON:** Yes. So is my understanding of your evidence then correct that this particular issue that this thing happened to her was never discussed at all between the  
20 two of you before she – before this commission was established? Maybe I should say that.

**MS DAPHNE MASHILE-NKOSI:** I think ...

**CHAIRPERSON:** As far as you can recall.

**MS DAPHNE MASHILE-NKOSI:** As far as I can recall if you can go to Facebook for instance and I follow her. I mean we talk on Facebook. She is well documented in

terms of some of those things and therefore you know – but I do not interfere with that. And if I wanted clarification I would make a call. I mean I have her number so ja.

**CHAIRPERSON**: But the bottom line is that it has never featured in your discussion between the two of you or between – before this commission at least was established. Then we can talk about after whether it did?

**MS DAPHNE MASHILE-NKOSI**: It does not.

**CHAIRPERSON**: Yes.

**MS DAPHNE MASHILE-NKOSI**: It talks about family.

**MS DAPHNE MASHILE-NKOSI**: Hm.

10 **MS DAPHNE MASHILE-NKOSI**: It talks about her siblings who died, who is not well and so on. It talks about my own pain. It talks about my own children, It talks my own grandchildren. And so many other things. I mean we have a long time relationship that has become family. So we never actually sit down. We do talk about everything and anything including politics. Where the country is going? Like everybody else I think South Africans and ja we do not specifically hone into things that – I was of the view that she is worried about whatever she said and therefore I let it like that because she was quite comfortable so there was no reason for us to actually continue discussing something that we know it is there, it is out there, it is in the public domain. Ja.

**CHAIRPERSON**: Well it is – it – I would have expected that in the light of the close  
20 relationship that the two of you have and have had over a very long time and you said that she is more than a sister – a friend...

**MS DAPHNE MASHILE-NKOSI**: Ja.

**CHAIRPERSON**: To you, you know she is like your little sister. I would have thought that the issue that she would have raised the issue with you as soon as she got an opportunity because when she gave evidence it was quite clear and I think she said so

herself that she was very upset that Mr Ajay Gupta made this offer to her. An offer that could only be made to her by the President. Well my recollection that was unhappy that she was taken to the Gupta residence in the first place because she was under the impression that she was going to be taken either to Union Buildings or to the President's official residence. But she ended up in the Gupta residence and then while she was there and she testified that she was made to wait for a long time and she was complaining as to when she was going to meet the President.

**MS DAPHNE MASHILE-NKOSI:** Okay.

**CHAIRPERSON:** And then she was made this offer. She says she was very upset and  
 10 she stood up in the room where she was with Mr Ajay Gupta and in effect protested. She said she – she might not have used the word, hysterical, but she was really upset and she said while she was expressing how she felt about this offer being made that former President emerged from one of the rooms and sought to calm her down and walked her to the car before she was taken to the airport. So and my understanding of her evidence is that this this thing really upset her. She took serious objection to it and she said she spoke about it to Mr Dennis Bloem who has come forward and testified that indeed she did speak to her about it and she said she did speak to Ms Mgabadeli who was with her in parliament at some stage and Ms Mgabadeli has come forward to give evidence. She had no recollection of the conversation but I would have thought  
 20 that at some stage you – when you heard what had happened that maybe this would also have been something of concern to you to – and you would have said to her, but whatever you call her, my little sister or my friend.

**MS DAPHNE MASHILE-NKOSI:** Ja.

**CHAIRPERSON:** How come you never told me about something like this and then maybe she would say, no but I actually did tell you and then you might say, well I do not



remember. You know then the two of you would have discussed more.

**MS DAPHNE MASHILE-NKOSI:** Well I think conversations of different people they react differently and at the time there were other things that were bothering her that were of concern to me.

**CHAIRPERSON:** Yes.

**MS DAPHNE MASHILE-NKOSI:** I was more interested in her wellbeing.

**CHAIRPERSON:** Yes.

**MS DAPHNE MASHILE-NKOSI:** Whether she was upset or not that was not an issue.

**CHAIRPERSON:** Yes.

10 **MS DAPHNE MASHILE-NKOSI:** The issue was what we do about it for her own sanity.

**CHAIRPERSON:** Yes.

**MS DAPHNE MASHILE-NKOSI:** And that is the support that I actually gave.

**MS DAPHNE MASHILE-NKOSI:** Yes.

**MS DAPHNE MASHILE-NKOSI:** There are things that I recommended and I actually told her to do.

**CHAIRPERSON:** Yes.

**MS DAPHNE MASHILE-NKOSI:** So that she can take a break from the media.

**CHAIRPERSON:** Yes.

**MS DAPHNE MASHILE-NKOSI:** And so on so ja I have done those things.

20 **CHAIRPERSON:** Yes.

**MS DAPHNE MASHILE-NKOSI:** That are not in the public domain.

**CHAIRPERSON:** Yes.

**MS DAPHNE MASHILE-NKOSI:** But in terms of how you –

**CHAIRPERSON:** How you reacted yes.

**MS DAPHNE MASHILE-NKOSI:** I would not have done that.

**CHAIRPERSON:** Yes, yes.

**MS DAPHNE MASHILE-NKOSI:** Let the other people do it.

**CHAIRPERSON:** Yes.

**MS DAPHNE MASHILE-NKOSI:** I would do what sisters would do.

**CHAIRPERSON:** Yes.

**MS DAPHNE MASHILE-NKOSI:** Is to come forward to give moral support.

**CHAIRPERSON:** Yes.

**MS DAPHNE MASHILE-NKOSI:** Where I can and that is what I do.

**CHAIRPERSON:** Yes.

10 **MS DAPHNE MASHILE-NKOSI:** And I do best. There are other things no I actually do not.

**CHAIRPERSON:** Yes. Thank you. Anything arising?

**ADV LEAH GCABASHE:** No thank you Chair I think it is clarified.

**CHAIRPERSON:** Thank you Ms Mashile-Nkosi for coming.

**MS DAPHNE MASHILE-NKOSI:** Okay thank you.

**MS DAPHNE MASHILE-NKOSI:** You are excused. Thank you very much.

**MS DAPHNE MASHILE-NKOSI:** Thank you Chair.

**ADV LEAH GCABASHE:** Chair with your permission may we take leave?

**CHAIRPERSON:** Yes you may.

20 **ADV LEAH GCABASHE:** Thank you Chair.

**CHAIRPERSON:** Thank you.

**ADV LEAH GCABASHE:** Thank you.

**ADV PAUL JOSEPH PRETORIUS SC:** Chair the next witness is Mr Le Roux. We return to the Bosasa series of witnesses.

**CHAIRPERSON:** Yes.

**ADV PAUL JOSEPH PRETORIUS SC:** He will be led by Ms Molefe.

**CHAIRPERSON:** Thank you. Ms Molefe.

**ADV REFILWE MOLEFE:** Thank you Chair. Chair may the witness be sworn in?

**CHAIRPERSON:** Please administer the oath or affirmation. I think it was the oath last time.

**REGISTRAR:** Please state your full names for the record.

**MR RICHARD LE ROUX:** Richard Le Roux.

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

**MR RICHARD LE ROUX:** No, I do not.

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

**MR RICHARD LE ROUX:** I do.

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

**MR RICHARD LE ROUX:** So help me God.

**MR RICHARD LE ROUX (duly sworn, states)**

**CHAIRPERSON:** Thank you.

**ADV REFILWE MOLEFE:** Thank you Chair.

**CHAIRPERSON:** Thank you Mr Le Roux. Thank you for coming back.

20 **MR RICHARD LE ROUX:** A pleasure sir.

**ADV REFILWE MOLEFE:** Thank you Chair. Chair might I request that Bundle T11 also be placed before the witness?

**CHAIRPERSON:** Well you should have made those arrangements. Somebody can just arrange for somebody to put it before him.

**ADV REFILWE MOLEFE:** My apologies Chair.

**CHAIRPERSON:** So what exhibit is that one?

**ADV REFILWE MOLEFE:** The exhibit that has just been handed to Mr Le Roux is EXHIBIT T11. That is the exhibit that deals with Mr Mlambo's evidence. We will also be dealing with EXHIBIT.

**CHAIRPERSON:** Well I do not.

**ADV REFILWE MOLEFE:** T12.

**CHAIRPERSON:** I do not seem to have T11 here. I have got T12, Mr Le Roux's affidavit and I have got EXHIBIT S11 not T. Okay.

**ADV REFILWE MOLEFE:** Thank you Chair. Mr Le Roux please refer to the bundle  
10 marked T12 that is before you. Can you confirm that what appears on pages 1 to four  
of that bundle is your statement to the Commission?

**MR RICHARD LE ROUX:** Correct.

**ADV REFILWE MOLEFE:** And on page 3 of that bundle is that your signature  
appearing there?

**MR RICHARD LE ROUX:** Correct.

**ADV REFILWE MOLEFE:** Still staying on page 3 the date of 31 March 2019 is that the  
date on which you signed the statement?

**CHAIRPERSON:** Hang on Ms Molefe. On which exhibit were you asking him  
questions just now?

20 **ADV REFILWE MOLEFE:** On T12 Chair.

**CHAIRPERSON:** Okay. Yes, you have just confirmed that the signature on page 3 is  
his signature and that this is his affidavit?

**ADV REFILWE MOLEFE:** Yes Chair.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE:** And Mr Le Roux do you confirm the correctness of your

statement?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** Thank you. Can you then turn to page 1 of that bundle? In paragraph 3 of the statement you refer to evidence that you have previously given to the Commission and that is being in relation to some of the locations where Special Projects as you have referred to them in evidence were undertaken?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And you say there that you were accompanied by Mr Mlambo?

10 **MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** You further state that you were involved in the procurement of equipment as well as installations of same?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And you have previously given this evidence?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** You have also previously testified to having returned to all the properties at least more than once?

**MR RICHARD LE ROUX:** That is correct.

20 **ADV REFILWE MOLEFE:** And in this respect you testify that the first visit would be to conduct a survey of the premises?

**MR RICHARD LE ROUX:** A site survey would be conducted, yes Chair.

**ADV REFILWE MOLEFE:** And that the second visit would be to install the equipment?

**MR RICHARD LE ROUX:** To install the equipment, yes Chair.

**ADV REFILWE MOLEFE:** And you further state previously in your evidence that you and the Special Projects Team would sometimes return to the properties after the

installations/

**MR RICHARD LE ROUX:** To do maintenance, yes Chair.

**ADV REFILWE MOLEFE:** And so you would have been at these properties at least twice?

**MR RICHARD LE ROUX:** Yes.

**ADV REFILWE MOLEFE:** Still on page 1 at paragraph 5 you also repeat what you have given in oral evidence and in this respect you state that you will obtain a quote from, you will obtain a quote of the required equipment and thereafter send same to Mr Angelo Agrizzi?

10 **MR RICHARD LE ROUX:** I would obtain the quotes after doing the site survey. I would take the quotes to Angelo Agrizzi for signature and discuss it with the relevant Director and then it would be taken to Jacques van Zyl for the money to be paid for the supplies.

**ADV REFILWE MOLEFE:** Yes. On page 2 at the top of page where paragraph 5 continues you also say there that you would then send the quote to Mr Agrizzi and the representatives of Bosasa?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** Would the representatives of Bosasa be the relevant Directors?

**MR RICHARD LE ROUX:** The relevant Director that actually asked me to do the  
20 Special Project. That is correct.

**ADV REFILWE MOLEFE:** Yes and at paragraph 6 you again emphasise that you would, there would be no installation and/or purchase of equipment without prior approval being obtained?

**MR RICHARD LE ROUX:** That is correct. When Mr Watson instructed me from the word go that if Angelo's signature was not on any of the documentation nothing would

be paid to the suppliers at the end of the day.

**ADV REFILWE MOLEFE:** Yes.

**CHAIRPERSON:** I am sorry. Just repeat that.

**MR RICHARD LE ROUX:** After we obtained the quotes and things like that Chair what Mr Watson would say is or he emphasised it on more than one occasion that if Angelo's signature is not on the paperwork nothing would be.

**CHAIRPERSON:** Mr Agrizzi's signature?

**MR RICHARD LE ROUX:** Mr Agrizzi's, sorry sir.

**CHAIRPERSON:** Yes, okay alright.

10 **ADV REFILWE MOLEFE:** Thank you Chair. Mr Le Roux at paragraph 7 of your statement you start to deal with the properties that were visited?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And the purpose was for a pointing out exercise?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And this was of the security equipment that you and your team, the Special Projects Team, installed?

**MR RICHARD LE ROUX:** That is correct Chair.

**ADV REFILWE MOLEFE:** And for the purpose of all these inspections were you accompanied by Mr Patrick Mlambo an investigator appointed as such by the  
20 Commission?

**MR RICHARD LE ROUX:** Yes I was Chair.

**ADV REFILWE MOLEFE:** Mr Mlambo has given evidence that this inspection took place from 17 February 2019 to 20 February 2019. Is this true?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** Mr Mlambo further gave evidence that neither yourself nor

did he have the arrest details such as the street numbers and house numbers of the properties where you would be conducting inspections?

**MR RICHARD LE ROUX:** That is correct even in my first statement. I said that I could never remember the addresses or, but I could remember exactly where the properties were.

**ADV REFILWE MOLEFE:** Yes and Mr Mlambo has also given evidence that you directed him to all the properties?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** At paragraph 7 of your statement you deal with a property  
10 that you visited with Mr Mlambo. Where did this inspection take place?

**MR RICHARD LE ROUX:** Colchester.

**ADV REFILWE MOLEFE:** And how did you get to the property?

**MR RICHARD LE ROUX:** We drove there from East London.

**ADV REFILWE MOLEFE:** And how long did that take?

**MR RICHARD LE ROUX:** Approximately three hours.

**ADV REFILWE MOLEFE:** And prior to visiting the property had you informed Mr Mlambo who the property belonged to?

**MR RICHARD LE ROUX:** I did on the way there. I informed him that it belonged to Mr Richmond Mti.

20 **ADV REFILWE MOLEFE:** And Mr Mlambo has also testified that prior to every visit you had informed him of what equipment was installed at the particular premises?

**MR RICHARD LE ROUX:** That is correct. We were just chatting in the car and he would say to me what would we find there and I would explain to him what he would find on the various sites.

**ADV REFILWE MOLEFE:** And is this in respect of every property that you went to?



**MR RICHARD LE ROUX:** Every property, yes.

**ADV REFILWE MOLEFE:** Yes and the property that you say belongs to Mr Mti what is the date on which you went to that property?

**MR RICHARD LE ROUX:** On the 17<sup>th</sup>.

**ADV REFILWE MOLEFE:** And what equipment did you identify?

**MR RICHARD LE ROUX:** The electric fence.

**ADV REFILWE MOLEFE:** At the property?

**MR RICHARD LE ROUX:** The electric fence and the perimeter lighting. I could not identify the energiser that was in the garage because the house was locked up.

10 **ADV REFILWE MOLEFE:** Yes and when you arrived at the property what happened?

**MR RICHARD LE ROUX:** When we arrived at the property Mr Mlambo blew the hooter. Well firstly when we got to the, we could not get into the property because they had security gate in the front of the residential estate. When we were last there it was open, free houses standing. You could just drive straight to the house. We went to the, I think he is the caretaker of the premises and he said well go to the gate and he will buzz us in which he did. Then we drove straight to the property. Mr Mlambo blew the hooter and nobody answered. He knocked on the gate. Nobody answered still, but you could clearly see there was nobody home.

**ADV REFILWE MOLEFE:** Yes and then what happened?

20 **MR RICHARD LE ROUX:** We then exited the vehicle and he asked me what and I explained to him that is what the electric fence looks like. I showed him the poles and everything that was around the house and I pointed out the lighting to him and he said to me well I am going to take a couple of photos and a video of the site and then we left.

**ADV REFILWE MOLEFE:** And have you seen the pictures that Mr Mlambo took?

**MR RICHARD LE ROUX:** I did not see the pictures no.

**ADV REFILWE MOLEFE:** Can I then refer you to EXHIBIT T11 that is before you?  
Can you turn to page 9 of that bundle? That is Annexure TPM1. Are you there  
Mr Le Roux?

**MR RICHARD LE ROUX:** Yes, I am. Sorry.

**ADV REFILWE MOLEFE:** Can you please tell the Chair what appears on that page?

**MR RICHARD LE ROUX:** It is the front of the house Chair.

**ADV REFILWE MOLEFE:** The house that you visited on 17 February 2019?

**MR RICHARD LE ROUX:** That is correct Chair.

10 **ADV REFILWE MOLEFE:** And from this image can you please tell the Chair what you  
pointed out to Mr Mlambo?

**MR RICHARD LE ROUX:** The electric fence, the electric fence on the gate and the  
perimeter light that was on the right hand side by the, sorry on the left hand side there.  
You cannot really see it in this picture.

**ADV REFILWE MOLEFE:** Yes and on the following page, page 10 appears Annexure  
TPM2. What is on that page?

**MR RICHARD LE ROUX:** That is the light that I pointed out to him when we were  
standing in front of the gate.

**ADV REFILWE MOLEFE:** Can you describe where the light is situated?

20 **MR RICHARD LE ROUX:** It is situated on the left hand side of the building underneath  
the roof.

**ADV REFILWE MOLEFE:** And on the following page, page 11 Annexure TPM3 can you  
explain to the Chair what that is?

**MR RICHARD LE ROUX:** That is the back of the house Chair. There is a square light  
on the far left hand corner just underneath the roof there which was an old existing

light. The one in the middle is the LED light that we installed.

**ADV REFILWE MOLEFE:** And the electric fence that appears on pages 10 and nine which you say you pointed out to Mr Mlambo is there any particular distinguishing feature that where one could establish who installed the fences?

**MR RICHARD LE ROUX:** The electric fence does not have any serialised item or number on it or anything like that Chair, but from my recollection it is exactly the way we installed it. Whether the client had it taken down and reinstalled you would clearly see that if the poles were taken down and new poles would be stuck up you would clearly see that another installation had taken place. So to my recollection nothing was moved  
10 or removed. It is as we installed it back then.

**ADV REFILWE MOLEFE:** Yes and was there any other equipment in that property or rather inside that property that you had spoken with Mr Mlambo about?

**MR RICHARD LE ROUX:** The only piece of equipment like I said was the energiser Chair which we could not get access to so that Mr Mlambo could see exactly where I pointed out, because I did point out to him. I said if you go into the garage it will be on the left hand side as you come into the door from, it is a door leading from the garage into the main house. It is right next to that door and he could not see that obviously because it was locked.

**ADV REFILWE MOLEFE:** Yes and what did you then do after Mr Mlambo took these  
20 pictures that you have described to the Chair?

**MR RICHARD LE ROUX:** We then left the premises and we returned back to East London.

**ADV REFILWE MOLEFE:** So you never entered the premises?

**MR RICHARD LE ROUX:** No, we did not.

**ADV REFILWE MOLEFE:** And were the pictures taken from outside the premises?

**MR RICHARD LE ROUX:** It was yes.

**ADV REFILWE MOLEFE:** In your presence?

**MR RICHARD LE ROUX:** Yes.

**ADV REFILWE MOLEFE:** At paragraph 8 of your statement which is Annexure T12 you then speak of another visit that took place on 18 February 2019. Is that true/

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** Where did this inspection take place?

**MR RICHARD LE ROUX:** In Greenbushes, Chair.

**ADV REFILWE MOLEFE:** And how did you get to Greenbushes?

10 **MR RICHARD LE ROUX:** We drove from East London to the premises. I got a little bit lost, but I eventually found my way and navigated Mr Mlambo to there.

**ADV REFILWE MOLEFE:** And prior to visiting the property had you informed Mr Mlambo who the property belonged to?

**MR RICHARD LE ROUX:** I did Chair.

**ADV REFILWE MOLEFE:** And who did you say it belonged to?

**MR RICHARD LE ROUX:** Richmond Mti.

**ADV REFILWE MOLEFE:** And had you also informed Mr Mlambo what equipment was installed at the property?

20 **MR RICHARD LE ROUX:** I did inform him before we arrived there. I said to him that there would be two perimeter lights and electric fencing. A 21 strand electric fence.

**ADV REFILWE MOLEFE:** Yes. You say that you directed Mr Mlambo to the property?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And what did you see when you arrived at the property?

**MR RICHARD LE ROUX:** When we arrived at the property the, well there are two gates. There is one on the left and there is one on the right. The gate on the left was

wide open.

**ADV REFILWE MOLEFE:** Yes. What then happened when you arrived at the gate?

**MR RICHARD LE ROUX:** Mr Mlambo blew the hooter and there was no response.

**ADV REFILWE MOLEFE:** Did anything else happen after that?

**MR RICHARD LE ROUX:** He then saw the next door neighbour on the right hand side of the plot. He then enquired, well from what he said to me because I was in the car. He got out of the vehicle. He went and spoke to the gentleman there on the right hand side of the plot and the gentleman said that apparently the, not the owner of the house, the person who was looking after the house had left to some taxi rank as far as I can recall.

**ADV REFILWE MOLEFE:** Yes and where the car was, was it in front of the gate of the property?

**MR RICHARD LE ROUX:** No, it was parked on the side of the road.

**ADV REFILWE MOLEFE:** And could you see inside the yard, the property?

**MR RICHARD LE ROUX:** You could see inside there, because the whole of the front of the yard you can see exactly what is going on. It is like an old square fence, alright with the electric fence behind that. So you can see straight through.

**ADV REFILWE MOLEFE:** Yes and what happened after Mr Mlambo spoke to the neighbour?

20 **MR RICHARD LE ROUX:** He said to me that we need to try and find the address of the premises, alright which we then drove down the road because there was no, we could not distinguish any address on the premises right there. So I said to him well let us take a drive down the road. Maybe we can see what the board is, because I could not remember what the street name was. We then got the street name and then we went back to the premises and then Mr Mlambo said let us have a chat to the guy maybe

there is somebody at the other next door neighbour, alright. When he parked in front of the gate there was a guy who was walking down towards him and Mr Mlambo asked him who the property belonged to. I could hear them because we were parked literally in front of that man's gate.

**ADV REFILWE MOLEFE:** Yes.

**MR RICHARD LE ROUX:** And the two big dogs there that were going mad.

**ADV REFILWE MOLEFE:** And what did the man say in response to Mr Mlambo?

**MR RICHYARD LE ROUX:** He just said that Mr Mti is not at home.

**ADV REFILWE MOLEFE:** This was in response to Mr Mlambo's question at so who  
10 the property belonged to?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** What then happened?

**MR RICHARD LE ROUX:** We then asked him what the address was, the number, we had gotten the street name and he said if I can recall I think he said well my number is such and such and this is the number that would follow thereafter. I do not want to obviously the numbers.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** Or the street names or anything like that.

**CHAIRPERSON:** Hm.

20 **ADV REFILWE MOLEFE:** Yes and from the neighbour's house what then happened?

**MR RICHARD LE ROUX:** Well basically what happened was we then drove out of the neighbour's yard and we were driving down and we saw the actual address on a board. It was actually a log stump that was situated on the right hand side of the property which had the number and the street name and everything on it. So then Mr Mlambo just took a photo of that and.

**ADV REFILWE MOLEFE:** Yes and do you know whether Mr Mlambo spoke to anyone relative to accessing the property?

**MR RICHARD LE ROUX:** Mr Mlambo spoke to Mr Mti himself.

**ADV REFILWE MOLEFE:** Yes and were you present when that telephonic discussion took place?

**MR RICHARD LE ROUX:** I cannot recall if he was standing outside the car in front of the gate or whether he was in the car.

**ADV REFILWE MOLEFE:** And how did you know that he was speaking to Mr Mti?

**MR RICHARD LE ROUX:** Because he told me that he had spoken to Mr Mti.

10 **ADV REFILWE MOLEFE:** And did he?

**MR RICHARD LE ROUX:** And Mr Mti had given him access to take photos of the premises.

**ADV REFILWE MOLEFE:** Do you know whether he gave him permission to enter the premises?

**MR RICHARD LE ROUX:** I do not recall that.

**ADV REFILWE MOLEFE:** Yes. What then happened after that call?

**MR RICHARD LE ROUX:** We then entered the premises. I stayed in the car and Mr Mlambo then proceeded to take photos of the premises.

**ADV REFILWE MOLEFE:** Had you pointed out the equipment to Mr Mlambo?

20 **MR RICHARD LE ROUX:** I pointed it out to him outside already with the electric fence and I explained to him how the electric fence ran down the right hand side of the property and how it ran down the left hand side of the property and I also explained to him the lighting that was on the house.

**ADV REFILWE MOLEFE:** Yes and you said that the property was enclosed with fencing?

**MR RICHARD LE ROUX:** It was.

**ADV REFILWE MOLEFE:** And so you could see into the yard?

**MR RICHARD LE ROUX:** Sorry ma'am.

**ADV REFILWE MOLEFE:** You could see into the yard of the property?

**MR RICHARD LE ROUX:** Ja, you could see into the yard, yes.

**ADV REFILWE MOLEFE:** Yes and did you see the pictures that Mr Mlambo took?

**MR RICHARD LE ROUX:** He only showed me the picture of the energiser because he had asked me where the energiser was situated. I explained to him there is a, it is a double garage and I said to him on the left hand side, alright. If he goes into the  
10 garage he will find the energiser on the wall on the left hand side of the garage.

**ADV REFILWE MOLEFE:** And which of these two garages did you say the energiser would be situated?

**MR RICHARD LE ROUX:** On the left hand side.

**ADV REFILWE MOLEFE:** The garage on the left?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And you are saying that the only images you saw were in respect of the energiser?

**MR RICHARD LE ROUX:** The energiser. He said to me this is the piece of equipment that I found, because he said to me that he saw a piece of electronic equipment there,  
20 but he was not sure if it and I said to him no that is the energiser that was installed.

**ADV REFILWE MOLEFE:** And from your recollection when you installed what you call an energiser was there any other equipment in the garage?

**MR RICHARD LE ROUX:** I was not in the garage. I never saw what was in there.

**ADV REFILWE MOLEFE:** You say that the energiser was on the left side of the garage?



**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** Where about?

**MR RICHARD LE ROUX:** On the wall.

**ADV REFILWE MOLEFE:** On the wall. Can you then turn with me to page 13 of EXHIBIT T11? That is Annexure TPM5. Do you recognise what appears on that page?

**MR RICHARD LE ROUX:** Yes, I do.

**ADV REFILWE MOLEFE:** What is it?

**MR RICHARD LE ROUX:** It is the gate on the left hand side which was open. Do you want me to say more?

10 **ADV REFILWE MOLEFE:** Yes please.

**MR RICHARD LE ROUX:** The house is in the front there and on the left hand side is the garage where the energiser is installed.

**ADV REFILWE MOLEFE:** And are?

**MR RICHARD LE ROUX:** And you can see there is a double, sorry. You can see there is as double garage there and it is the left hand garage on the left hand side of the wall that the energiser is installed.

**ADV REFILWE MOLEFE:** Yes and from this image that appears on page 13 is there anything that you have pointed out to Mr Mlambo?

20 **MR RICHARD LE ROUX:** Nothing. I had not seen this image like I said. The only image that I had seen Chair was the image of the energiser from Mr Mlambo.

**ADV REFILWE MOLEFE:** Yes and is there any fence that appears on that page?

**MR RICHARD LE ROUX:** There is electric fencing on the gate and on the left hand side, a little piece on the left hand side there.

**ADV REFILWE MOLEFE:** And did you point this out to Mr Mlambo?

**MR RICHARD LE ROUX:** I did when we were outside.

**ADV REFILWE MOLEFE:** Can you then turn to the following page, page 14 of the same exhibit? That is Annexure TPM6. Do you know what appears on that page?

**MR RICHARD LE ROUX:** Yes. It is the left hand side of the property.

**ADV REFILWE MOLEFE:** And is there anything on this page that you had pointed out to Mr Mlambo?

**MR RICHARD LE ROUX:** The electric fence.

**ADV REFILWE MOLEFE:** Can we then also turn to page 15 and that is Annexure TPM7? What appears on that page?

**MR RICHARD LE ROUX:** It is an LED light that we installed.

10 **ADV REFILWE MOLEFE:** And this is what you pointed out?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** Where is the LED light located?

**MR RICHARD LE ROUX:** It is on the front of the house on the right hand side.

**ADV REFILWE MOLEFE:** And on the page following, page 16 Annexure TPM8 do you know what appears there?

**MR RICHARD LE ROUX:** It is an LED light.

**ADV REFILWE MOLEFE:** Is this the light that you had pointed out?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And where is this located?

20 **MR RICHARD LE ROUX:** This is on the left hand side of the house at the front of the residence.

**ADV REFILWE MOLEFE:** You earlier stated that the only picture that you had seen was the energiser itself?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** Do you know whether Mr Mlambo found it?

**MR RICHARD LE ROUX:** Hm.

**ADV REFILWE MOLEFE:** Per your directions?

**MR RICHARD LE ROUX:** Well he said to me when he came out, he said to me is this the energiser and I said to him yes that is the energiser.

**ADV REFILWE MOLEFE:** And you had not gone into the garage?

**MR RICHARD LE ROUX:** I had not gone. I had been in the car the whole time.

**ADV REFILWE MOLEFE:** Why not? Why did you not go into the garage?

**MR RICHARD LE ROUX:** Well I did not want to influence his; I wanted to be independent if you understand Chair. I did not want to say to him okay well let me take  
10 you.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** I wanted him to go and see for himself.

**CHAIRPERSON:** Ja.

**MR RICHARD LE ROUX:** And then exactly like when I took him to the residences I said to him I do not know what the address is. I do not know what the street number is. I do not know what the street name is, but I can take you to the address and I took him. I wanted to take him there to show him that my recollection is of what.

**CHAIRPERSON:** Hm.

**MR RICHARD LE ROUX:** He wanted out of me at the end of the day.

20 **CHAIRPERSON:** So you would tell him where he would find what?

**MR RICHARD LE ROUX:** It.

**CHAIRPERSON:** And you will allow him to go?

**MR RICHARD LE ROUX:** To carry on.

**CHAIRPERSON:** And report back whether he found it?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Where you said he would find it?

**MR RICHARD LE ROUX:** That is correct Chair.

**CHAIRPERSON:** Ja, okay.

**ADV REFILWE MOLEFE:** Thank you. Can you turn to page 17 of EXHIBIT T11? That is Annexure TPM9. What appears on that page?

**MR RICHARD LE ROUX:** It is the electric fence energiser.

**ADV REFILWE MOLEFE:** And where is this energiser located?

**MR RICHARD LE ROUX:** It is located in the left hand side of the garage on the wall.

10 **ADV REFILWE MOLEFE:** And the page following, page 18 Annexure TPM10. What appears on that page?

**MR RICHARD LE ROUX:** It is the same energiser.

**ADV REFILWE MOLEFE:** And from what angle is that picture taken?

**MR RICHARD LE ROUX:** Sorry.

**ADV REFILWE MOLEFE:** From what angle is that picture taken?

**MR RICHARD LE ROUX:** From the front.

**ADV REFILWE MOLEFE:** And the page following, page 19 Annexure TPM11. What appears on that page?

**MR RICHARD LE ROUX:** It is an MTech sticker that, it does not have any serial numbers or anything on it.

20 **ADV REFILWE MOLEFE:** Is there any distinguishing feature on the device itself as appears on these pictures from pages 17 to 19 that which would assist and confirming whether you had installed it or not?

**MR RICHARD LE ROUX:** Well from my recollection it has not moved Chair. It is exactly where we installed it and it is exactly the same piece of equipment that we had installed.

**CHAIRPERSON:** And did you install any similar energisers in other properties?

**MR RICHARD LE ROUX:** Chair.

**CHAIRPERSON:** Or was it the only one where you installed?

**MR RICHARD LE ROUX:** No, we also installed the similar energiser at Colchester.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** For Mr Mti.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** We had installed it at, can I give you the names?

**CHAIRPERSON:** Ja.

10 **MR RICHARD LE ROUX:** Mr Smith's residence.

**CHAIRPERSON:** Ja.

**MR RICHARD LE ROUX:** We had installed it at Mr Nez's residence.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** And at Mr Makwetla's residence.

**CHAIRPERSON:** Yes. So.

**MR RICHARD LE ROUX:** And Ms Myeni's residence.

**CHAIRPERSON:** So you know it quite well?

**MR RICHARD LE ROUX:** Yes sir.

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

20 **ADV REFILWE MOLEFE:** Thank you. Was; do you know if Mr Mlambo had any discussion with anyone in relation to access into the garage?

**MR RICHARD LE ROUX:** From what I can recall he spoke to Mr Mti and Mr Mti gave him his brother's number.

**ADV REFILWE MOLEFE:** Yes.

**MR RICHARD LE ROUX:** And I recall him having a conversation with his brother

because he was actually sitting in the vehicle with me.

**ADV REFILWE MOLEFE:** Yes.

**MR RICHARD LE ROUX:** And he spoke to the brother and he said he had been given access to the premises by Mr Mti and you know he would like to have access to the garage and as far as I can recall the brother said no, but the garage is locked, but otherwise you can have access to the garage.

**ADV REFILWE MOLEFE:** And Mr Mlambo then went into the garage to take these pictures?

**MR RICHARD LE ROUX:** Mr Mlambo said to me let us just check you know what I  
10 mean and he got out of the vehicle and he checked and the garage was open.

**ADV REFILWE MOLEFE:** And do you know if he ever spoke to anyone after that?

**MR RICHARD LE ROUX:** He spoke to the brother thereafter again and he said I just want to inform you that, well actually while we were driving he spoke to the brother and he said I just want to inform you that the garage was open. So I took my photos and I have closed the garage, but you just need to check that if you say that the garage was locked just double check that to make sure that it is locked.

**ADV REFILWE MOLEFE:** Yes and did anything else take place at that property?

**MR RICHARD LE ROUX:** Nothing else.

**CHAIRPERSON:** So from what you understood or the report you got from Mr Mlambo,  
20 Mr Mti seems to have cooperated.

**MR RICHARD LE ROUX:** Chair I think he was a little bit from what I understand from Mr Mlambo, I think he was a little bit frustrated.

**CHAIRPERSON:** Hm.

**MR RICHARD LE ROUX:** but from what I could understand from Mr Mlambo is that he said okay well you know you can take your photos.

**CHAIRPERSON:** Hm.

**MR RICHARD LE ROUX:** And then do what you have to do basically.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** And so he also got the same response from the brother.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** At the end of the day.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE:** At paragraph 9 of your statement you speak of another property. Whose property did you say this belonged to?

10 **MR RICHARD LE ROUX:** This is the property of Mr Mantashe.

**ADV REFILWE MOLEFE:** And on what date was this visit?

**MR RICHARD LE ROUX:** On the 19<sup>th</sup>.

**CHAIRPERSON:** Of February 2019?

**MR RICHARD LE ROUX:** Of February 2019. Sorry, Chair.

**ADV REFILWE MOLEFE:** Can you recall approximately what time you left for the venue?

**MR RICHARD LE ROUX:** From my recollection I think we left just before eight or it was just after eight, but it was a three and a half, three, just under three and a half hours drive.

20 **ADV REFILWE MOLEFE:** And had you informed Mr Mlambo what equipment was installed at the property prior to you driving to the property?

**MR RICHARD LE ROUX:** I did on the way there. I told him what he would be finding at the premises and I also explained to him if he got to the premises where he would find that equipment.

**ADV REFILWE MOLEFE:** Yes and what equipment did you inform him of?

**MR RICHARD LE ROUX:** The CCTV equipment and the perimeter lighting, Chair.

**ADV REFILWE MOLEFE:** Is that the only equipment that you informed him of?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And how did you get to the property?

**MR RICHARD LE ROUX:** We drove from East London.

**ADV REFILWE MOLEFE:** And what happened when you arrived at the property?

**MR RICHARD LE ROUX:** The gate was closed Mr Mlambo blew the hooter, there was two gentlemen, from my recollection that was working at the gate and then there's another gate here, they were working somewhere at the back there, I think with an  
10 implement of a tractor or something like that.

**CHAIRPERSON:** Are you saying there was a gate to your left as you stood at the – in the street facing the house?

**MR RICHARD LE ROUX:** Basically Chair he's property is the last property on that road, so you can't – so there's a gate literally right in front of the property and then I would say almost immediately to the left there's another gate that enters the residence, but this gate here enters, like – I would say it's Shepherds quarters that are at the back there.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE:** Yes so you were telling the Chair that when you arrived at  
20 the property, there were some gentlemen fixing something...(intervention).

**MR RICHARD LE ROUX:** It was a – I'm not sure if they were fixing the tractor the implement of a tractor, they were there at the back of the property.

**ADV REFILWE MOLEFE:** Did you interact with these gentlemen?

**MR RICHARD LE ROUX:** I did not, I was in the car.

**ADV REFILWE MOLEFE:** Did Mr Mlambo interact with them?



**MR RICHARD LE ROUX:** He did.

**ADV REFILWE MOLEFE:** And do you know what was said?

**MR RICHARD LE ROUX:** I have no clue what he said because he was at the gate and I was sitting in the vehicle.

**ADV REFILWE MOLEFE:** What then happened?

**MR RICHARD LE ROUX:** The gentleman came – one of the gentleman came up to him and escorted him into the other gate.

**ADV REFILWE MOLEFE:** And where were you when he was being escorted?

**MR RICHARD LE ROUX:** I was in the car.

10 **ADV REFILWE MOLEFE:** Do you know whether – before entering the premises, Mr Mlambo spoke to anyone over the phone about the premises?

**MR RICHARD LE ROUX:** Mr Mlambo made a phone call, I'm not sure to who and I'm not sure if he left a message or anything like that, but I'm not sure who he made the phone call to, I can't recall the actual name of the person who he was trying to call.

**ADV REFILWE MOLEFE:** Do you know what the call was about?

**MR RICHARD LE ROUX:** To gain entrance to the premises.

**ADV REFILWE MOLEFE:** Yes you say that you stayed in the car and Mr Mlambo entered the premises?

**MR RICHARD LE ROUX:** That's correct.

20 **ADV REFILWE MOLEFE:** Did you ever, at any time enter the premises?

**MR RICHARD LE ROUX:** Mr Mlambo then returned outside and he said, please come I want to introduce you to a lady that's, like a keeper of the house and then I went in and he introduced me to her and then he asked me, is this the equipment and I said to him yes that's the equipment that we installed on the premises.

**ADV REFILWE MOLEFE:** And do you know whether there was any interaction between

Mr Mlambo and the person you found at the property?

**MR RICHARD LE ROUX:** They were talking, I was standing one side.

**ADV REFILWE MOLEFE:** So you don't know what was said?

**MR RICHARD LE ROUX:** I don't know what the conversation was about.

**ADV REFILWE MOLEFE:** And do you know whether Mr Mlambo eventually entered the premises?

**MR RICHARD LE ROUX:** He did.

**ADV REFILWE MOLEFE:** And do you know whether he was given permission by anyone to enter the premises?

10 **MR RICHARD LE ROUX:** Well from what I understood is the lady welcomed him and she said, you can take your videos and your photographs of what you need to because he did present his card.

**ADV REFILWE MOLEFE:** When you say, from what you understand, is this what you heard or did you see the interaction.

**MR RICHARD LE ROUX:** No this is what Mr Mlambo told me afterwards.

**ADV REFILWE MOLEFE:** I see and did...(intervention).

**MR RICHARD LE ROUX:** And I mean the way she was acting Chair, I mean, if she didn't want him to have access to the house, she would have told him, no, no, no, you know what I'm trying to say but she freely gave him access.

20 **ADV REFILWE MOLEFE:** Yes and did she enter with him?

**MR RICHARD LE ROUX:** She did.

**ADV REFILWE MOLEFE:** And where were you?

**MR RICHARD LE ROUX:** I was outside the premises.

**ADV REFILWE MOLEFE:** Yes and outside the house, before Mr Mlambo entered the premises, what equipment did you identify?

**MR RICHARD LE ROUX:** I don't – I identified the perimeter cameras for him and the outside lighting, he then asked me to, again explain to him where the equipment was on the inside of the house, I said to him, well if you go up the steps through the kitchen you'll get a passage, you'll turn right into the passage, first door on your left-hand side is – from what I, when we done the installation that was a spare bedroom, I said you'll find the equipment in there, the monitor and the CCTV equipment and then if you proceed with the passage you'll find the main bedroom and you'll find another monitor on the right-hand side wall which is also got the cameras displayed on that monitor as well.

- 10 **ADV REFILWE MOLEFE:** Now the first monitor that you had described to him, where did you say it was located in the room?

**MR RICHARD LE ROUX:** First – the first monitor?

**ADV REFILWE MOLEFE:** Yes.

**MR RICHARD LE ROUX:** It's on the bedroom on the left-hand side on the left-hand side of the wall, the monitor is situated at – well I wouldn't say right at the top but it's situated more to the top of the wall and the equipment is situated in a grey lockable box, cabinet, which is situated on the floor on the same left-hand wall.

**ADV REFILWE MOLEFE:** And you also informed him of the second monitor you say?

**MR RICHARD LE ROUX:** That's correct.

- 20 **ADV REFILWE MOLEFE:** And where in that room did you say it was located?

**MR RICHARD LE ROUX:** I said to him, if you come into the main bedroom on the right-hand side wall, I said it's situated on that wall.

**ADV REFILWE MOLEFE:** And did you inform him of any other equipment inside the property?

**MR RICHARD LE ROUX:** Only of the lights and the CCTV that's it.

**ADV REFILWE MOLEFE:** Do you know whether Mr Mlambo took pictures of these?

**MR RICHARD LE ROUX:** I saw him taking the videos and the pictures, I never saw them.

**ADV REFILWE MOLEFE:** I thought you were outside, how did you see him take pictures?

**MR RICHARD LE ROUX:** No I'm saying, I saw him taking the pictures from the outside but I didn't see him taking pictures on the inside or the videos on the inside.

**ADV REFILWE MOLEFE:** I see, can you then turn with me to Annexure TPM13 and that appears on page 2 – pardon me Exhibit TPM14, pardon me Chair and that is on

10 page 30.

**CHAIRPERSON:** Are you on T11?

**ADV REFILWE MOLEFE:** Yes Chair T11.

**CHAIRPERSON:** Ja Exhibit 11 what page?

**ADV REFILWE MOLEFE:** Page 30.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE:** And I'm referring to Annexure TPM14.

**CHAIRPERSON:** Yes.

**ADV REFILWE MOLEFE:** Mr Le Roux do you know what appears on that page?

**MR RICHARD LE ROUX:** There's a camera and an LED light.

20 **ADV REFILWE MOLEFE:** And where is the camera situated?

**MR RICHARD LE ROUX:** It is situated on the back side of the house on the – if you're standing at the back side of the house, on the left-hand side towards the Shepherds quarters.

**CHAIRPERSON:** At the back of the house?

**MR RICHARD LE ROUX:** That's correct.

**ADV REFILWE MOLEFE:** And what else did you point out that appears on that image?

**MR RICHARD LE ROUX:** It's only the LED light and the camera.

**CHAIRPERSON:** Is it mounted on the wall?

**MR RICHARD LE ROUX:** It's mounted on a log cabin.

**CHAIRPERSON:** Yes okay.

**ADV REFILWE MOLEFE:** And can you turn to the following page, still on Exhibit T11, page 31 and that is Annexure TPM15, can you tell the Chair what you understand to appear on that page?

**MR RICHARD LE ROUX:** I'm there.

10 **CHAIRPERSON:** I think he didn't hear you.

**ADV REFILWE MOLEFE:** Annexure TPM15 on page 31.

**MR RICHARD LE ROUX:** I'm there.

**ADV REFILWE MOLEFE:** What appears on that page?

**MR RICHARD LE ROUX:** A camera and a LED light.

**ADV REFILWE MOLEFE:** And where is this camera and LED light situated?

**MR RICHARD LE ROUX:** It's situated on the front side of the house on the left-hand side.

**ADV REFILWE MOLEFE:** And on the page following, page 32 Annexure TPM16 can you describe to the Chair what appears there?

20 **MR RICHARD LE ROUX:** Its two cameras Chair.

**ADV REFILWE MOLEFE:** And where are these located?

**MR RICHARD LE ROUX:** If you look at the steps that I was talking about that are going up, it's situated above the kitchen – literally the kitchen door.

**ADV REFILWE MOLEFE:** And on the page that follows, Exhibit TPM16, on page 32 – page 33 pardon me and that's Exhibit TPM17, what appears on that page?

**MR RICHARD LE ROUX:** It's a camera Chair.

**ADV REFILWE MOLEFE:** And where's that situated?

**MR RICHARD LE ROUX:** It's situated underneath the house.

**ADV REFILWE MOLEFE:** When you say underneath the house, can you give a better description?

**MR RICHARD LE ROUX:** Well it's a log cabin that's been built on stilts so you've got the house on the top and then there's, like a storeroom at the bottom of the house, this camera was specifically installed to monitor that storeroom.

**ADV REFILWE MOLEFE:** And can you walk underneath this house?

10 **MR RICHARD LE ROUX:** You can walk underneath yes.

**ADV REFILWE MOLEFE:** And on page 34, Exhibit TPM18, can you explain to the Chair what that is?

**MR RICHARD LE ROUX:** That's also a camera Chair?

**ADV REFILWE MOLEFE:** And where is this situated?

**MR RICHARD LE ROUX:** Also underneath the house.

**ADV REFILWE MOLEFE:** And on page 35 Annexure TPM19 what appears on that page?

**MR RICHARD LE ROUX:** That's also a camera.

**ADV REFILWE MOLEFE:** And where is it located?

20 **MR RICHARD LE ROUX:** It's situated on the corner of the house.

**ADV REFILWE MOLEFE:** Which side of the house?

**MR RICHARD LE ROUX:** It would be on the – if you're standing in front of the house it will be on the right-hand side of the house because that's where the water pipes are it's close to the main bathroom.

**ADV REFILWE MOLEFE:** And are the water pipes visible on that page?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** On page 36 Annexure TPM20 can you describe to the Chair what appears there?

**MR RICHARD LE ROUX:** It's a screen, Chair with the cameras visible on the screen.

**ADV REFILWE MOLEFE:** And are you able to say where the monitor is placed?

**MR RICHARD LE ROUX:** It's in the first bedroom on the left-hand side, that's the one that I was talking about that is closer to the roof of the premises because that's the curtains there and the windows are right next to that.

**ADV REFILWE MOLEFE:** And on the page following at Annexure TPM21 what  
10 appears on that page?

**MR RICHARD LE ROUX:** That is the screen Chair, the same screen the only thing that's added now is the actual equipment box that's mounted on the bottom left-hand corner of the floor.

**ADV REFILWE MOLEFE:** And do you know, where in the house, this monitor and the box are located?

**MR RICHARD LE ROUX:** First bedroom on the left-hand side.

**ADV REFILWE MOLEFE:** In respect of what appears at Annexure 20 – TPM20 and 21 are you able to tell the Chair what the difference is insofar as location of the monitor in the other bedroom that you said you had informed Mr Mlambo of?

20 **MR RICHARD LE ROUX:** Well in the main bedroom where the monitor is – the reason why I'm saying I know for a fact this is definitely in the bedroom on the left-hand side, is because the monitor in the main bedroom is situated in the middle of the wall. As you walk in there's a wall and then there's a door that leads into the bathroom and then there's another piece of the wall and that monitor we installed in the middle of that wall.

**ADV REFILWE MOLEFE:** Yes and when Mr Mlambo was done inside the house, do

you know whether he further interacted with the person he found at the property?

**MR RICHARD LE ROUX:** Yes he did he gave her his contact details and she had a little book, a little black book that she had written all the contact details down and his name and his number and then she double-checked his card as well.

**ADV REFILWE MOLEFE:** What then happened?

**MR RICHARD LE ROUX:** And then we left the premises.

**ADV REFILWE MOLEFE:** So during the inspection, at no point did you enter the house?

**MR RICHARD LE ROUX:** I did not enter the house at all no.

10 **ADV REFILWE MOLEFE:** Paragraph 10 of your statement you confirm that you are aware that Mr Mlambo took pictures and videos of some of the property, is that correct?

**MR RICHARD LE ROUX:** That's correct.

**ADV REFILWE MOLEFE:** And on the page following at paragraph 11 you speak of another property that you visited.

**MR RICHARD LE ROUX:** We went to Cala after that.

**ADV REFILWE MOLEFE:** Can you spell that please?

**MR RICHARD LE ROUX:** C-A-L-A.

**ADV REFILWE MOLEFE:** Yes thank you and

**CHAIRPERSON:** (Indistinct) that's how that's pronounced.

20 **MR RICHARD LE ROUX:** Also it's the Xhosa – the X.

**ADV REFILWE MOLEFE:** Yes and can you recall when this inspection took place?

**MR RICHARD LE ROUX:** It was on the same day Chair.

**ADV REFILWE MOLEFE:** Being which day?

**MR RICHARD LE ROUX:** The 19<sup>th</sup> of February 2019.

**ADV REFILWE MOLEFE:** Yes and how did you get to the property?



**MR RICHARD LE ROUX:** We drove there Chair.

**ADV REFILWE MOLEFE:** And who directed – who gave directions insofar as the properties?

**MR RICHARD LE ROUX:** I gave the directions to Mr Mlambo.

**ADV REFILWE MOLEFE:** Yes and did you arrive at the property as per your directions?

**MR RICHARD LE ROUX:** We did.

**ADV REFILWE MOLEFE:** What happened when you arrived there?

**MR RICHARD LE ROUX:** Mr Mlambo blew the hooter once again, still there was no  
10 answer at the premises, there was a gate which had a chain on it, he – I remember him  
distinctly knocking with the lock on the metal part of the gate and there was still no  
answer, then there was a pedestrian gate that he went through because there's – I think  
there's two or three rooms that are on the right-hand side of the property Chair. From  
my understanding is, he was going to go through and knock on the doors which he did  
and there was no answer at any of those doors.

**ADV REFILWE MOLEFE:** What then happened?

**MR RICHARD LE ROUX:** Mr Mlambo then proceeded to – well from what I could see  
either taking photos or a video of the equipment around the property.

**ADV REFILWE MOLEFE:** Before he took these pictures had you pointed out the  
20 equipment that was at the property?

**MR RICHARD LE ROUX:** Yes from the car.

**ADV REFILWE MOLEFE:** And – from the car?

**MR RICHARD LE ROUX:** Yes.

**ADV REFILWE MOLEFE:** And what did you point out?

**MR RICHARD LE ROUX:** I pointed out one of the lights that was at the side of the

house and the other light that was on the left-hand side of the house and the cameras on the front of the property.

**ADV REFILWE MOLEFE:** Was there any equipment that you could not point out?

**MR RICHARD LE ROUX:** The only equipment that I could not point out to him was the equipment inside the house but I explained to him, if he had access to the house, I'd explained to him how to get that equipment in the house.

**ADV REFILWE MOLEFE:** And what equipment did you say was inside the house?

**MR RICHARD LE ROUX:** The monitor – basically what you see on TPM21, that exact same equipment. It will be a monitor a box with the equipment inside the box and that's  
10 exactly the same as what you would find in that Cala residence.

**ADV REFILWE MOLEFE:** Now before Mr Mlambo entered the premises do you know whether he spoke to anyone?

**MR RICHARD LE ROUX:** He tried to make a phone call again, I'm not sure to who.

**ADV REFILWE MOLEFE:** Do you know what the call would have been about?

**MR RICHARD LE ROUX:** To obviously gain access to the premises.

**ADV REFILWE MOLEFE:** And did this phone call take place?

**MR RICHARD LE ROUX:** Nope, nobody answered.

**ADV REFILWE MOLEFE:** Did Mr Mlambo leave a message?

**MR RICHARD LE ROUX:** I can't recall.

20 **ADV REFILWE MOLEFE:** And this telephone call took place in your presence?

**MR RICHARD LE ROUX:** It was before we stepped out of the vehicle.

**ADV REFILWE MOLEFE:** So when Mr Mlambo entered the premises, this was following your pointing out.

**MR RICHARD LE ROUX:** It was yes.

**ADV REFILWE MOLEFE:** And you then saw him take pictures.

**MR RICHARD LE ROUX:** Pictures or a video I just saw him busy with his phone.

**ADV REFILWE MOLEFE:** Yes and did he ever show you the pictures that he took?

**MR RICHARD LE ROUX:** He never.

**ADV REFILWE MOLEFE:** Inside the house you say that you point – you informed him of a monitor.

**MR RICHARD LE ROUX:** A monitor and the box that was to be found in the one bedroom that it was installed into.

**ADV REFILWE MOLEFE:** And where was this one bedroom located?

**MR RICHARD LE ROUX:** Inside the house.

10 **ADV REFILWE MOLEFE:** Yes but where?

**MR RICHARD LE ROUX:** If you go through the main door there's a passage and you literally walk down the passage and you walk straight into that bedroom.

**ADV REFILWE MOLEFE:** So the bedroom is facing the passage if I understand it correctly.

**MR RICHARD LE ROUX:** Well at the end of the passage you would walk straight into it, you would walk past the kitchen on the right-hand side, you'd walk past, like a dining room area, an open plan area, and then you'd walk straight into that bedroom, if you'd turn right you'd continue then to the toilet and then you'd turn left again into the same – into another passage which led to a whole lot of other bedrooms on the left and the  
20 right.

**ADV REFILWE MOLEFE:** Yes and can you turn to page 38 of Exhibit T11 that is Annexure TPM22, can you describe to the Chair what appears on that page?

**MR RICHARD LE ROUX:** It is an LED light and the camera.

**ADV REFILWE MOLEFE:** And where are they situated?

**MR RICHARD LE ROUX:** This is situated on the right-hand side of the house at the

back of the house.

**ADV REFILWE MOLEFE:** At the back of the house?

**MR RICHARD LE ROUX:** Not at the back but on – at the back of the right-side.

**ADV REFILWE MOLEFE:** And on page 38 other than the camera and the LED light is there anything else you have pointed to?

**MR RICHARD LE ROUX:** It's just a couple of houses at the back.

**ADV REFILWE MOLEFE:** On page 39, Annexure TPM23, can you explain to the Chair what appears there?

**MR RICHARD LE ROUX:** It's an LED light.

10 **ADV REFILWE MOLEFE:** And where's it situated?

**MR RICHARD LE ROUX:** It's situated on the left-hand side of the house – front of the house Chair.

**ADV REFILWE MOLEFE:** Is that the only equipment you pointed out?

**MR RICHARD LE ROUX:** On this picture yes.

**ADV REFILWE MOLEFE:** If you look closely on page 39 just below the LED light, there appears to be something mounted on the wall.

**MR RICHARD LE ROUX:** It's like a bracket.

**ADV REFILWE MOLEFE:** Had you pointed that out to him?

**MR RICHARD LE ROUX:** No it's not my bracket, not what we installed.

20 **ADV REFILWE MOLEFE:** On the page following, page 40, Annexure TPM24 can you explain to the Chair what that is?

**MR RICHARD LE ROUX:** It's a camera Chair.

**ADV REFILWE MOLEFE:** And where is it located?

**MR RICHARD LE ROUX:** It is situated on the left-hand side of the house close to the front.

**CHAIRPERSON:** On the wall?

**MR RICHARD LE ROUX:** On the wall Chair.

**ADV REFILWE MOLEFE:** And that the only equipment that you pointed out?

**MR RICHARD LE ROUX:** The camera and then obviously just the piping.

**ADV REFILWE MOLEFE:** And on page 41...(intervention).

**CHAIRPERSON:** You did that piping as well?

**MR RICHARD LE ROUX:** Yes we did Chair.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** It's the piping that holds all the cables and the CAT5 cabling

10 and things like that.

**CHAIRPERSON:** Thank you.

**ADV REFILWE MOLEFE:** On page 41 Annexure TPM25, what appears there?

**MR RICHARD LE ROUX:** Its two cameras Chair.

**ADV REFILWE MOLEFE:** And where are these situated?

**MR RICHARD LE ROUX:** It's the camera on the left-hand side is the camera that is on TPM24 and on TPM25 on the right-hand side is the second camera and it's at the front of the house.

**ADV REFILWE MOLEFE:** And you say – where are these two cameras facing?

20 **MR RICHARD LE ROUX:** The camera on the left is facing the main bedroom sliding door and the camera on the right is facing the front of the open area of the house.

**ADV REFILWE MOLEFE:** And the piping, was that also done by you?

**MR RICHARD LE ROUX:** That's correct.

**ADV REFILWE MOLEFE:** On page 42 Annexure 26, TPM26 what appears there?

**MR RICHARD LE ROUX:** Its two cameras Chair.

**ADV REFILWE MOLEFE:** And where are these located?

**MR RICHARD LE ROUX:** They're situated on the front of the house on the right-hand side.

**ADV REFILWE MOLEFE:** And these cameras are not the same cameras on page – TPM41?

**MR RICHARD LE ROUX:** No.

**ADV REFILWE MOLEFE:** And on page 43 Annexure TPM27, what appears there?

**MR RICHARD LE ROUX:** These are two cameras as well.

**ADV REFILWE MOLEFE:** And where are these situated?

**MR RICHARD LE ROUX:** At the back of the house and the side of the house.

10 **ADV REFILWE MOLEFE:** Which side of the house?

**MR RICHARD LE ROUX:** Well from what I can see here, I think it would be at the back left-hand corner, if I can recall.

**ADV REFILWE MOLEFE:** After Mr Mlambo had taken these pictures, what then happened?

**MR RICHARD LE ROUX:** We then left the premises.

**ADV REFILWE MOLEFE:** And did he speak to anyone in relation to...(intervention)

**MR RICHARD LE ROUX:** He did receive a phone call, I'm not sure from whom Chair and all I can recall him saying is, I'll send you the sms.

**ADV REFILWE MOLEFE:** And did you know what the sms would be about?

20 **MR RICHARD LE ROUX:** I have no idea Chair.

**ADV REFILWE MOLEFE:** Now on paragraph 12 of your statement, you deal with yet another inspection, where did this take place?

**MR RICHARD LE ROUX:** Richard's Bay Chair.

**ADV REFILWE MOLEFE:** And in respect of who's property?

**MR RICHARD LE ROUX:** Dudu Myeni.

**ADV REFILWE MOLEFE:** Had you informed Mr Mlambo before the inspection that it belongs to Mr Myeni?

**MR RICHARD LE ROUX:** I did.

**ADV REFILWE MOLEFE:** And had you informed Mr Mlambo of what property – equipment rather would be found at the property?

**MR RICHARD LE ROUX:** I did.

**ADV REFILWE MOLEFE:** And what did you say would be found?

**MR RICHARD LE ROUX:** I said to him that he would find – if he had access to the house a full alarm system, full electric fence, full CCTV, IP based system with off-site  
10 capability – off-site monitoring capabilities on your phone.

**ADV REFILWE MOLEFE:** And was there a particular day scheduled to inspect these premises?

**MR RICHARD LE ROUX:** Well we arrived there on the 20<sup>th</sup> and the scheduled appointment which he was going to try to set up was going to be the 21<sup>st</sup> as far as I can recall.

**ADV REFILWE MOLEFE:** How did you travel to where the property is?

**MR RICHARD LE ROUX:** We went with a vehicle.

**ADV REFILWE MOLEFE:** And where is this property situated?

**CHAIRPERSON:** Sorry went with a vehicle from where?

20 **MR RICHARD LE ROUX:** From the airport Chair. We flew from – sorry Chair, we flew from East London back to Joburg and then from Joburg to Richard's Bay.

**CHAIRPERSON:** Okay.

**ADV REFILWE MOLEFE:** Yes and you were going to tell the Chair where the property is situated.

**MR RICHARD LE ROUX:** Do you want me to give the area?

**ADV REFILWE MOLEFE:** Yes.

**CHAIRPERSON:** Well maybe, not the area, I think just like you dealt with it with regard to Mr Mlambo, we know it is in Richard's Bay.

**ADV REFILWE MOLEFE:** At paragraph...(intervention).

**MR RICHARD LE ROUX:** Ja it's in Richard's Bay.

**ADV REFILWE MOLEFE:** Thank you, what happened when you arrived on the day in Richard's Bay?

**MR RICHARD LE ROUX:** We collected the vehicle and there was still some time on hand and I said to Mr Mlambo, look I'm – I need to just familiarise myself with the area  
10 again, I said, I know it's somewhere in that vicinity of – close to the airport and close to the hotel that we were living, well living – that we were staying at and I said to him, would he mind if we just drove around for a little bit just so that I could familiarise myself and familiarise myself and I took him straight to the residence.

**ADV REFILWE MOLEFE:** Yes and were you able to identify the residence?

**MR RICHARD LE ROUX:** Yes I was.

**ADV REFILWE MOLEFE:** Did you observe anything when you arrived at the residence?

**MR RICHARD LE ROUX:** The cameras were still there, the electric fence was still up, there were still some beams on the garage. If you – it's basically on a corner and in my  
20 last statement I said to you, you know, on that corner there was a water feature just outside the – and if you turn left into the road that goes down towards the golf course the garage area, I said to him, you'd find beams and that and he could see the beams from the vehicle because we drove past slowly.

**ADV REFILWE MOLEFE:** Yes and do you know whether Mr Mlambo took pictures?

**MR RICHARD LE ROUX:** He took no pictures.



**ADV REFILWE MOLEFE:** He did not take pictures?

**MR RICHARD LE ROUX:** No.

**ADV REFILWE MOLEFE:** What then happened, once you had pointed out the...(intervention)

**MR RICHARD LE ROUX:** We then returned to the hotel that we were staying at.

**ADV REFILWE MOLEFE:** And do you know whether Mr Mlambo spoke to anyone in relation to that property?

**MR RICHARD LE ROUX:** He did speak to Ms Myeni that evening, I recall it, because we were sitting having dinner and he said to me, just please excuse me for two minutes  
10 I just need to take this call – sorry he needs to make this call and he made a call and the call went very well at the beginning and then all of a sudden I just heard him apologising saying sorry, sorry, sorry, sorry and then I said to him afterwards, I said, what was that all about, he says no I just got tackled a little bit because of the late phone call and, you know, I mustn't disturb people but at the beginning of the call it was quite a friendly call until he gave his name, I mean until he said that he was from State Capture then the call went a bit south.

**ADV REFILWE MOLEFE:** Yes and do you know how that call ended.

**MR RICHARD LE ROUX:** I just heard him say, I apologise and I'll send you an email, that's all I heard.

20 **ADV REFILWE MOLEFE:** Do you know what the email was about?

**MR RICHARD LE ROUX:** I have no idea.

**ADV REFILWE MOLEFE:** Did – earlier you had said that you had scheduled the visit for the 21<sup>st</sup> of February 2019.

**MR RICHARD LE ROUX:** That's correct.

**ADV REFILWE MOLEFE:** Did you return to the property?

**MR RICHARD LE ROUX:** We did basically return to the property, not to take photos or anything like that, Mr Mlambo just wanted me to confirm that – or wanted to please himself that I knew exactly where the property was and we drove past it and he just had a look for a second time and then we left but he never took any photos or videos of the premises, no.

**ADV REFILWE MOLEFE:** Yes and do you know whether Mr Mlambo ever spoke to Ms Myeni again?

**MR RICHARD LE ROUX:** I have no recollection.

**ADV REFILWE MOLEFE:** Is there any reason you did not go and inspect the property  
10 as was planned?

**MR RICHARD LE ROUX:** All I believed is that he had to send her an email to gain access to the property and from what I could understand is, we never went to the property – or we never went into the property so he obviously never got access to the property.

**MR RICHARD LE ROUX:** Yes, now in respect of the properties which you say belonged to Mr Mantashe do you know whether Mr Mlambo spoke to...(intervention).

**CHAIRPERSON:** I'm sorry before you go there, with regard to the property in Richard's Bay, you say you were able to see from the street.

**MR RICHARD LE ROUX:** From the street yes Chair.

20 **CHAIRPERSON:** The equipment that was – that could be seen from the street and you identified it as the equipment that you had installed.

**MR RICHARD LE ROUX:** That's correct Chair.

**CHAIRPERSON:** Yes, and you had installed some equipment inside the house as well isn't it?

**MR RICHARD LE ROUX:** Well Chair inside the house would have been the big

plasma screen to view the cameras, the digital recorder, the UPS, the alarm panel, the energizer which was installed in the garage and the keypad for the alarm system would all be inside the house yes.

**CHAIRPERSON:** Yes so that – those you could not see on that occasion because you didn't go into the house?

**MR RICHARD LE ROUX:** That's correct Chair.

**CHAIRPERSON:** Yes but what you could see from the house you did recognise as the equipment that you had previously installed?

**MR RICHARD LE ROUX:** That's correct Chair, you could only – you see we installed  
10 equipment right around the house so you could only – from the road side see on the front of the house and on the – if you go down the road on the left-hand side of the house, only some of the equipment but you could not see all of it no.

**CHAIRPERSON:** Okay thank you.

Mr Le Roux has about ten to fifteen minutes of evidence to go.

**CHAIRPERSON:** That would cover what aspects?

**ADV REFILWE MOLEFE:** It would cover the invoices that Mr Mlambo attached to his affidavit which he said he collected with Mr Le Roux and the invoices, according to Mr Mlambo were of the Special Projects Team that ...(intervention).

**CHAIRPERSON:** Ja do you need anything more from Mr Le Roux in regard to that  
20 than simply confirming the identity of the persons who – who spent nights in the particular lodge?

**ADV REFILWE MOLEFE:** No, no Chair.

**CHAIRPERSON:** I do not think you need more than that.

**ADV REFILWE MOLEFE:** That...

**CHAIRPERSON:** Because Mr Mlambo did not know the people. He said Mr Le Roux

told him what he told him. So I think that is – that probably is all you need to confirm.

**ADV REFILWE MOLEFE:** Yes Chair.

**CHAIRPERSON:** Ja maybe – maybe deal with that and just tell me if there is something else I am missing that you thought – that you think it is important to confirm with him. But that seems to me to be the important thing. There is not going to be a dispute about whether those invoices are from that lodge and for those dates and in respect of people with those names.

**ADV REFILWE MOLEFE:** Certainly Chair. Mr Le Roux please turn to page 20 of Exhibit T11. That is Annexure...

10 **CHAIRPERSON:** Yes you could also just mention the names of which appear and confirm whether in the Special Projects Team there were people with those names?

**ADV REFILWE MOLEFE:** Indeed Chair.

**CHAIRPERSON:** Ja okay.

**ADV REFILWE MOLEFE:** Mr Le Roux Annexure TPM12 appears from page 20 to 28.

On page 20 do you know who the guest Mr Huma Tshepo is?

**MR RICHARD LE ROUX:** Yes I do.

**ADV REFILWE MOLEFE:** And who is he?

**MR RICHARD LE ROUX:** Sorry?

**ADV REFILWE MOLEFE:** Who is he?

20 **MR RICHARD LE ROUX:** He used to work with me on Special Projects Chair. He was a technician.

**ADV REFILWE MOLEFE:** And the date of the 2 December 2014 do you have any recollection of being at that particular lodge?

**MR RICHARD LE ROUX:** I do it would have been for the residence at Elliot for Mr Mantashe.

**ADV REFILWE MOLEFE:** And on page 22 do you know who Bule Siduma is?

**MR RICHARD LE ROUX:** Yes Chair he also worked at Special Projects on the Mantashe project.

**ADV REFILWE MOLEFE:** And this would be the same date as you [indistinct].

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And on page 23 is an invoice with your details, is that correct?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And the date there of arrival is also November 2014?

10 **MR RICHARD LE ROUX:** That is correct and I would have also been for only Mantashe's property.

**ADV REFILWE MOLEFE:** Yes. And on page 24 the name Bule Siduma again appears however there the date is different it is the 25 September 2015.

**MR RICHARD LE ROUX:** Well it would have been for maintenance on the Mantashe property.

**ADV REFILWE MOLEFE:** Yes and on the page following page 25 is an invoice in relation to you also dated the 25 September 2016 and you say this would have been for Minister Mantashe's property?

20 **MR RICHARD LE ROUX:** That is correct and it would also have been for maintenance.

**MS DAPHNE MASHILE-NKOSI:** Yes. And on page 26 the name there Michael Ndo appears, who is he?

**MR RICHARD LE ROUX:** That is correct. He was also part of Special Projects, technician.

**MS DAPHNE MASHILE-NKOSI:** Yes. And he would have accompanied you as the

date stated there 25 September 2016?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** The page following, page 27 who is Eugene Bredenkamp?

**MR RICHARD LE ROUX:** He was also part of – a technician for Special Projects.

**ADV REFILWE MOLEFE:** And he also accompanied you on the 25 September 2016?

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And on the page following page 28 the name there Eugene Bredenkamp and Tshepo Huma appears and you have confirmed that they were part of the Special Projects team?

10 **MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** And the date there is the 2 – the 15<sup>th</sup> rather of February 2017.

**MR RICHARD LE ROUX:** That is correct. It would have been for maintenance.

**ADV REFILWE MOLEFE:** At which property?

**MR RICHARD LE ROUX:** At the Elliot property. Elliot or Carla one or the two. Because the distance between the two is not so far.

**ADV REFILWE MOLEFE:** And did you accompany these gentlemen?

**MR RICHARD LE ROUX:** I did not accompany them on this trip no. They went themselves.

20 **ADV REFILWE MOLEFE:** And throughout all the invoices the company Blakes Travel and the word there A-g-e-n-v-y appears? On all the invoices.

**MR RICHARD LE ROUX:** That is correct.

**ADV REFILWE MOLEFE:** Can you confirm the correct spelling of that company?

**MR RICHARD LE ROUX:** As far as I know it is Blakes Travel. I do not know if it is PTY or LTD or CC. I know it as Blakes Travel.

**ADV REFILWE MOLEFE:** Yes. Is there anything else you would like to bring to the attention of the Chair in respect of these inspections?

**MR RICHARD LE ROUX:** Chair these invoices here only refer to Mr Mantashe's residences.

**CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** It does not refer to Mr Mti's residences.

**CHAIRPERSON:** Okay.

**MR RICHARD LE ROUX:** Mr Mti's residences Mr Mlambo collected other invoices with regards to that.

10 **CHAIRPERSON:** Yes.

**MR RICHARD LE ROUX:** But that was a completely different team to what was here.

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

**ADV REFILWE MOLEFE:** Thank you Chair. Unless there are any other further questions from the Chair that is the evidence of Mr Le Roux.

**CHAIRPERSON:** Thank you very much Mr Le Roux. You are excused.

**MR RICHARD LE ROUX:** Thank you Chair.

**CHAIRPERSON:** Thank you. We are going to take the lunch adjournment and it is now about nine minutes past one we will resume at quarter past two. We adjourn.

#### **INQUIRY ADJOURNS**

20 **INQUIRY RESUMES**

**CHAIRPERSON:** Yes Mr Pretorius.

**ADV PAUL JOSEPH PRETORIUS SC:** Thank you Chair. The next witness is Advocate Marijke de Kock who will be led by Advocate September.

**CHAIRPERSON:** Thank you very much. Ms September.

**ADV VERUSCHKA SEPTEMBER:** Greetings Chair. Chair the evidence to be given by

this particular witness will refer to two files. One of which is new and the other one is a familiar file. The new file is marked S12 and the old file or the familiar file rather is marked Affidavit of Angelo Agrizzi EXHIBIT S1 File 2/3.

**CHAIRPERSON:** I have got EXHIBIT S12. I am not sure about the other one, but I do have a number of files relating to Mr Agrizzi's evidence here. You said the other one is exhibit what?

**ADV VERUSCHKA SEPTEMBER:** It is a file EXHIBIT S1, File 2/3. I have made a duplicate copy if so necessary.

**CHAIRPERSON:** *Ja*, well unless my Registrar decided to hide it from me and put it  
10 that side. I do not seem to have it. Well she tells me that they are marked differently from yours.

**ADV VERUSCHKA SEPTEMBER:** Okay.

**CHAIRPERSON:** And I thought that we; that everything had been done to make sure that they are marked similarly. Okay, alright. I have got EXHIBIT S1 Volume 1/2 and EXHIBIT S2 Volume 2/2.

**ADV VERUSCHKA SEPTEMBER:** Okay.

**CHAIRPERSON:** Do I only need Volume 1/2?

**ADV VERUSCHKA SEPTEMBER:** Chair, may I make a suggestion?

**CHAIRPERSON:** Hm.

20 **ADV VERUSCHKA SEPTEMBER:** To avoid any further delay if I could perhaps hand up a copy of the documents which will be referred to and it ought to have been in your file. It is specifically the documents which are marked AA358.

**CHAIRPERSON:** But if it is EXHIBIT S1 Volume 1/2 everything inside should be the same.

**ADV VERUSCHKA SEPTEMBER:** As it pleases.



**CHAIRPERSON:** *Ja.*

**ADV VERUSCHKA SEPTEMBER:** I have however filed 2/3.

**CHAIRPERSON:** What is it marked on the spine? Your one what is it marked?

**ADV VERUSCHKA SEPTEMBER:** The file that I have been provided is an affidavit of Angelo Agrizzi.

**CHAIRPERSON:** *Ja*, on the spine.

**ADV VERUSCHKA SEPTEMBER:** EXHIBIT S1.

**CHAIRPERSON:** Hm.

**ADV VERUSCHKA SEPTEMBER:** File 2/3.

10 **CHAIRPERSON:** File 2/3. You know I do not want a duplication of this big lever arch files if we can avoid it. What is the first document on your EXHIBIT S1 File 1/3?

**ADV VERUSCHKA SEPTEMBER:** The relevant page numbers if I may is marked AA418 until AA555.

**CHAIRPERSON:** Will member of the legal team just check every time that what I have got is exactly the same as what they have got. *Ja*, please hand up the one that you were proposing to hand up.

**ADV VERUSCHKA SEPTEMBER:** I apologise for the misalignment of pages and bundles.

20 **CHAIRPERSON:** I think every morning whoever will be involved in the leading of evidence at one stage or another during the day must just make sure that the documents that I will need or exhibits that I will need when he or she leads a particular witness are there. So that we do not spend time trying to locate them.

**ADV VERUSCHKA SEPTEMBER:** As it pleases Chair.

**CHAIRPERSON:** Okay, alright. Okay. I am hoping that with regard to the lever arch file that you have just handed up I just hope that the description of what exhibit it is, is

in accordance with whatever existing exhibits we already have, because I understand it to be simply a copy of what we already have.

**ADV VERUSCHKA SEPTEMBER:** I.

**CHAIRPERSON:** I hope so. Otherwise there could be all kinds of confusion when one reads the transcript.

**ADV VERUSCHKA SEPTEMBER:** I accept Chair.

**CHAIRPERSON:** *Ja*.

**ADV VERUSCHKA SEPTEMBER:** We will certainly check.

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

10 **ADV VERUSCHKA SEPTEMBER:** That is does align.

**CHAIRPERSON:** Okay, alright.

**ADV VERUSCHKA SEPTEMBER:** May I then ask that the witness.

**CHAIRPERSON:** *Ja*.

**ADV VERUSCHKA SEPTEMBER:** We seated be sworn in please?

**CHAIRPERSON:** Yes.

**REGISTRAR:** Please state your full names for the record.

**MS MARIJKE CHRISTINE DE KOCK:** I am Marijke Christine de Kock.

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

**MS MARIJKE CHRISTINE DE KOCK:** No.

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

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

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

**MS MARIJKE CHRISTINE DE KOCK:** So help me God.

**MS MARIJKE CHRISTINE DE KOCK:** (duly sworn, states)

**CHAIRPERSON:** Thank you.

**ADV VERUSCHKA SEPTEMBER:** Chair just to locate the evidence of this witness it will be recalled that Angelo Agrizzi provided evidence to this Commission and in paragraph 35.6 of his statement which is page AA074 he informed that Richmond Linda Mti over a period of time supplied him with various documents that he indicated he had received from either Jackie Lepinka, Lawrence Mrwebi or Nomgcobo Jiba. There were 17 documents that were specifically placed before this Commission and there evidence of this particular witness addresses those documents  
10 and in particular the identification of those documents.

**CHAIRPERSON:** Yes, thank you.

**ADV VERUSCHKA SEPTEMBER:** If I may Advocate de Kock can I ask you to turn to page 1 of File S12 please?

**MS MARIJKE CHRISTINE DE KOCK:** Thank you.

**ADV VERUSCHKA SEPTEMBER:** Do you recognise this document?

**MS MARIJKE CHRISTINE DE KOCK:** Hm.

**CHAIRPERSON:** Maybe she will recognise it if she goes to the end of this document.

**ADV VERUSCHKA SEPTEMBER:** Let me just, you have two files before you.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

20 **ADV VERUSCHKA SEPTEMBER:** The bigger file and the thinner file.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** The thinner file is marked S12.

**MS MARIJKE CHRISTINE DE KOCK:** Okay.

**ADV VERUSCHKA SEPTEMBER:** Okay. If you can turn to page 1 of that file.

**ADV PAUL JOSEPH PRETORIUS SC:** Chair I am informed we have a technical

problem.

**CHAIRPERSON:** Oh, is that so.

**ADV PAUL JOSEPH PRETORIUS SC:** The sound for streaming.

**CHAIRPERSON:** Hm.

**ADV PAUL JOSEPH PRETORIUS SC:** Broadcasting is not operational.

**CHAIRPERSON:** Oh.

**ADV PAUL JOSEPH PRETORIUS SC:** And I have been asked to ask you in turn for a five minute adjournment.

**CHAIRPERSON:** Okay, alright. Okay, we will take a short adjournment and somebody  
10 will let me know. Hopefully it will be within the next five or so minutes. We adjourn.

**ADV PAUL JOSEPH PRETORIUS SC:** Thank you Chair.

**REGISTRAR:** All rise.

**INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Thank you. You may proceed.

**ADV VERUSCHKA SEPTEMBER:** Chair in an attempt to unbundle the confusion I understand that you have two files before you, S1 and S2. S1 ends on page 404 and S2 starts then on 405. For purposes of these proceedings we will be referring to 418 until 555 of S1 and two. So hopefully that unbundles the confusion.

20 **CHAIRPERSON:** Okay. I will look at the pages when you get there.

**ADV VERUSCHKA SEPTEMBER:** As it pleases.

**CHAIRPERSON:** Okay.

**ADV VERUSCHKA SEPTEMBER:** If I may. Advocate de Kock is it correct that you are employed with the National Prosecuting Authority as an Advocate and that.

**CHAIRPERSON:** Please put on, switch on your mic, yes.

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**CHAIRPERSON:** Thank you. You want to repeat that question and then we get the answer?

**ADV VERUSCHKA SEPTEMBER:** Certainly. Advocate de Kock is it correct that you are employed with the National Prosecuting Authority as an Advocate?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Is it also correct that your office is situated at the Specialised Commercial Crime Unit in Pretoria and that you are a Prosecutor specialising in Commercial Crime including theft fraud and corruption?

10 **MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**ADV VERUSCHKA SEPTEMBER:** If I can ask you to turn to page 1 of the file before you which is marked S12. Do you recognise this document?

**MS MARIJKE CHRISTINE DE KOCK:** Yes. Yes, Chair.

**ADV VERUSCHKA SEPTEMBER:** And now can I ask you to turn of the same bundle, if you can please turn to page 28?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Whose signature is that that appears at the top of the page?

**MS MARIJKE CHRISTINE DE KOCK:** It is my signature Chair.

20 **ADV VERUSCHKA SEPTEMBER:** Do you confirm that you had deposed to this affidavit on 1 April 2019 at Parkview?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**ADV VERUSCHKA SEPTEMBER:** If I can ask you to turn back to page 1?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Paragraphs 3 and four, briefly deals with your

qualifications and employment history?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Can you please provide details of your qualifications and employment history to the Chair?

**CHAIRPERSON:** Maybe before she does that do you want to ask her to confirm that she has had a look at the affidavit and she confirms the correctness of the contents thereof just in case we leave out some things?

**ADV VERUSCHKA SEPTEMBER:** As it pleases Chair. Do you confirm the correctness of the affidavit?

10 **MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**ADV VERUSCHKA SEPTEMBER:** Are there any clarifying points that you wish to alert the Chair to?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair there is something that we need to amend. Paragraph 9 there was an annexure number that is unfortunately been left out of that paragraph. I think the numbers are AA471 to AA472.

**ADV VERUSCHKA SEPTEMBER:** Is it correct however that your affidavit deals with all the documents that you have identified?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

20 **CHAIRPERSON:** Let us go back to the clarification you were making in regard to paragraph 9. Will you please just repeat what you say was omitted or not correctly represented there.

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair. It is just two document numbers that were left out of that paragraph. It is AA471 to AA472.

**CHAIRPERSON:** Oh and it is two documents?

**MS MARIJKE CHRISTINE DE KOCK:** Well it is one document.

**CHAIRPERSON:** Or one document with two pages?

**MS MARIJKE CHRISTINE DE KOCK:** Two pages, yes.

**CHAIRPERSON:** Okay. That was not; that should have been included in paragraph 9, but was not included?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**CHAIRPERSON:** Oh, okay.

**MS MARIJKE CHRISTINE DE KOCK:** If my statement could be amended in that regard I would appreciate it.

**CHAIRPERSON:** Okay. Arrangements will be made, you can testify to that about that  
10 document and later on a supplementary affidavit will be made to accompany your affidavit.

**MS MARIJKE CHRISTINE DE KOCK:** Thanks Chair.

**CHAIRPERSON:** Okay.

**ADV VERUSCHKA SEPTEMBER:** Will do. Could you then please inform the Chair of your qualifications and employment history?

**MS MARIJKE CHRISTINE DE KOCK:** Yes. Chair I obtained a BJuris and LLB Degrees from the University of Pretoria. I started studying in 1983 and I obtained both these degrees from the University of Pretoria and I joined the Prosecuting Service on 1 December 1986. At that time when I started prosecuting there was something called  
20 50/50 being a 50/50 student and for the first year I actually was not in the courts. I was still studying. So my actual date that I started prosecuting would be 1 December 1987.

**CHAIRPERSON:** Well I was about to ask you maybe in part you have clarified this. You say you started studying in 1983?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** And then you say you started, you joined the Prosecuting Services

on 1 December 1986. Did you start studying in 1983; when you started studying in 1983 was it your BJuris Degree that you studied?

**MS MARIJKE CHRISTINE DE KOCK:** Yes that is correct.

**CHAIRPERSON:** And when did you complete it?

**MS MARIJKE CHRISTINE DE KOCK:** It is a three year degree and then I.

**CHAIRPERSON:** Within in three years? *Ja*.

**MS MARIJKE CHRISTINE DE KOCK:** *Ja*.

**CHAIRPERSON:** And then you did your LLB?

**MS MARIJKE CHRISTINE DE KOCK:** I did the LLB after that.

10 **CHAIRPERSON:** And when did you finish your LLB?

**MS MARIJKE CHRISTINE DE KOCK:** It was the end of 1987.

**CHAIRPERSON:** Okay, thank you. End of 1987, so did you do it in one year?

**MS MARIJKE CHRISTINE DE KOCK:** Sorry.

**CHAIRPERSON:** You say you finished your LLB at the end of 1987?

**MS MARIJKE CHRISTINE DE KOCK:** *Ja*.

**CHAIRPERSON:** That would be.

**MS MARIJKE CHRISTINE DE KOCK:** From 1983, 1983, 1984, 1985, 1986 and 1987.

**CHAIRPERSON:** Oh, okay.

**MS MARIJKE CHRISTINE DE KOCK:** *Ja*.

20 **CHAIRPERSON:** Okay. No that is fine. Okay, but you were working. So you were able to.

**MS MARIJKE CHRISTINE DE KOCK:** No, no, no.

**CHAIRPERSON:** Do all of them in record time?

**MS MARIJKE CHRISTINE DE KOCK:** No, I did not; look I studied full time. So.

**CHAIRPERSON:** Oh, but you say 1986 you joined the.



**MS MARIJKE CHRISTINE DE KOCK:** Well the.

**CHAIRPERSON:** The Prosecuting Service.

**MS MARIJKE CHRISTINE DE KOCK:** Yes, it was a scheme that was in place at that time that allowed you to study 50 percent of the time and work 50 percent of the time, because I studied full time and I had already done the first year of my LLB Degree they were prepared to grant me a full year's study instead of breaking it up into two half year portions.

**CHAIRPERSON:** 1983, 1985.

**MS MARIJKE CHRISTINE DE KOCK:** 1985.

10 **CHAIRPERSON:** You were studying full time and you were doing your BJuris Degree?

**MS MARIJKE CHRISTINE DE KOCK:** Yes and then.

**CHAIRPERSON:** And you completed it in 1985?

**MS MARIJKE CHRISTINE DE KOCK:** I completed the BJuris Degree with the LLB, sorry I took four years to finalise the BJuris Degree.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** But they allowed me to start my LLB Degree in the same year as my last year of BJuris Degree. So I completed the study for both degrees in five years' time.

**CHAIRPERSON:** Okay. So you completed your BJuris Degree in 1980 what?

20 **MS MARIJKE CHRISTINE DE KOCK:** It took me three.

**CHAIRPERSON:** You say it took you four years?

**MS MARIJKE CHRISTINE DE KOCK:** Ja. There was one subject that I.

**CHAIRPERSON:** That was left?

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

**CHAIRPERSON:** Okay. Otherwise you have completed it in 1985?

**MS MARIJKE CHRISTINE DE KOCK:** Four/five yes.

**CHAIRPERSON:** *Ja*, in 1985.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** So in 1980.

**MS MARIJKE CHRISTINE DE KOCK:** Seven.

**CHAIRPERSON:** Six you were doing one course from your BJuris Degree and LLB Courses?

**MS MARIJKE CHRISTINE DE KOCK:** *Ja*, and all the LLB Courses for that specific year.

10 **CHAIRPERSON:** Sorry.

**MS MARIJKE CHRISTINE DE KOCK:** And all the LLB subjects for that year.

**CHAIRPERSON:** Yes. No, but I am trying to understand.

**MS MARIJKE CHRISTINE DE KOCK:** *Ja*.

**CHAIRPERSON:** 1983 was your first year.

**MS MARIJKE CHRISTINE DE KOCK:** *Ja*.

**CHAIRPERSON:** Of BJuris?

**MS MARIJKE CHRISTINE DE KOCK:** *Ja*, three, four.

**CHAIRPERSON:** Ordinarily you would have completed your BJuris Degree at the end of 1985?

20 **MS MARIJKE CHRISTINE DE KOCK:** Exactly.

**CHAIRPERSON:** But that did not happen because there was one course that you still had to do?

**MS MARIJKE CHRISTINE DE KOCK:** Yes, correct.

**CHAIRPERSON:** And you did that one course in 1986 together with various LLB Courses?

**MS MARIJKE CHRISTINE DE KOCK:** *Ja*, the full complement.

**CHAIRPERSON:** The full complement of.

**MS MARIJKE CHRISTINE DE KOCK:** Of the first.

**CHAIRPERSON:** LLB Courses?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** For first year?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** And then 1986 you were doing the last courses of LLB?

**ADV VERUSCHKA SEPTEMBER:**

10 **MS MARIJKE CHRISTINE DE KOCK:** That would be 1987. I did the.

**CHAIRPERSON:** 1987, yes.

**MS MARIJKE CHRISTINE DE KOCK:** Yes, I did the rest.

**CHAIRPERSON:** Okay, okay. So.

**MS MARIJKE CHRISTINE DE KOCK:** And then I got my LLB Degree.

**CHAIRPERSON:** Then you got your LLB, okay alright. Now I understand. Thank you.

**ADV VERUSCHKA SEPTEMBER:** Please indicate the different positions that you have held within the NPA?

**MS MARIJKE CHRISTINE DE KOCK:** Well I was a Prosecutor. Then I was a Regional Court Prosecutor. Then I became a State Advocate. Then I became a Senior State Advocate. Then I became a Deputy Director of Public Prosecutions and my current  
20 position is Senior Deputy of Public Prosecutions.

**ADV VERUSCHKA SEPTEMBER:** Thank you. Paragraphs 5 and six of your affidavit deals with the Bosasa investigation.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Please explain to the Chair what your role in this

investigation was.

**MS MARIJKE CHRISTINE DE KOCK:** Initially the Prosecutor in this matter that dealt with the matter was Advocate Glynnis Breytenbach and in February 2010 at the request of Advocate Menzi Simelane she and her Prosecuting Team withdrew from the case and at this request I then became the new Prosecutor that had to deal with the Bosasa matter. That was about February/March 2010.

**ADV VERUSCHKA SEPTEMBER:** What were the charges that were being investigated against Bosasa?

**MS MARIJKE CHRISTINE DE KOCK:** We investigated fraud and corruption and  
10 offences under the Prevention of Organised Crime Act Chair.

**ADV VERUSCHKA SEPTEMBER:** And when were you removed as Prosecutor from the matter?

**MS MARIJKE CHRISTINE DE KOCK:** It was on 29 February 2016.

**ADV VERUSCHKA SEPTEMBER:** Is it correct that you are in the process of compiling a more comprehensive report which deals with your involvement in the Bosasa investigation?

**MS MARIJKE CHRISTINE DE KOCK:** That is correct.

**ADV VERUSCHKA SEPTEMBER:** And is it also correct that this will be made available to the Commission at a later stage?

20 **MS MARIJKE CHRISTINE DE KOCK:** That is correct.

**CHAIRPERSON:** Will it also deal with the circumstances surrounding the request that you have told me about from Mr Simelane?

**MS MARIJKE CHRISTINE DE KOCK:** Yes, I.

**CHAIRPERSON:** That the other Prosecutors withdraw from the matter?

**MS MARIJKE CHRISTINE DE KOCK:** I wanted to deal with that as well Chair.

**CHAIRPERSON:** You will deal with that as well?

**MS MARIJKE CHRISTINE DE KOCK:** I will deal with that.

**CHAIRPERSON:** Okay.

**MS MARIJKE CHRISTINE DE KOCK:** *Ja.*

**CHAIRPERSON:** Thank you.

**ADV VERUSCHKA SEPTEMBER:** Is it therefore correct that your evidence today talks specifically to the identification of particular documents which has been placed before you?

**MS MARIJKE CHRISTINE DE KOCK:** Correct.

10 **ADV VERUSCHKA SEPTEMBER:** And such documents are documents which Angelo Agrizzi had placed before the Commission?

**MS MARIJKE CHRISTINE DE KOCK:** Correct.

**ADV VERUSCHKA SEPTEMBER:** Having considered the documents that you were provided with you list various documents in paragraph 9 of your affidavit. Have you grouped or categorised these documents in any particular way?

**MS MARIJKE CHRISTINE DE KOCK:** Yes, I have grouped them. I worked according to a date sequence and I have grouped them into four different groups.

**ADV VERUSCHKA SEPTEMBER:** Okay. We can now then turn to or rather in line with your grouping of the documents is it correct then that you have grouped the  
20 documents as group 1, group 2, group 3 and group 4?

**MS MARIJKE CHRISTINE DE KOCK:** Correct.

**ADV VERUSCHKA SEPTEMBER:** Okay. In consideration of the documents which you group as group 1 can I ask you to turn in the same Bundle S12 to page 29?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** And then in the file next to you can I ask you to

then turn to page AA418?

**MS MARIJKE CHRISTINE DE KOCK:** 418. Correct.

**ADV VERUSCHKA SEPTEMBER:** Now you if you look at the document before you which starts on page AA418, you can just take a minute.

**CHAIRPERSON:** Yes, thank you.

**ADV VERUSCHKA SEPTEMBER:** Thank you. If you look at the document at page AA418 and you compare it with the document which is attached to your affidavit which is marked page MCDK29.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

10 **ADV VERUSCHKA SEPTEMBER:** What is your?

**CHAIRPERSON:** Where is MCDK29? What page? What paginated page number?

**ADV VERUSCHKA SEPTEMBER:** So it is page 29 of File S12.

**CHAIRPERSON:** Page 29?

**ADV VERUSCHKA SEPTEMBER:** Yes Chair. It is the first document under the first tab marked 1.

**CHAIRPERSON:** MDK1?

**ADV VERUSCHKA SEPTEMBER:** Yes.

**CHAIRPERSON:** It is the reference if you put MDK those three letters together. Where I grew up they meant certain things and, so it has just reminded me of what they meant  
20 when I grew up. Otherwise we can proceed. Thank you.

**ADV VERUSCHKA SEPTEMBER:** The document at page 29 of S12 and the document starting at page AA418 do you recognise the document at page AA418?

**MS MARIJKE CHRISTINE DE KOCK:** Yes, I do.

**ADV VERUSCHKA SEPTEMBER:** Is there any difference between the document, these two documents?

**MS MARIJKE CHRISTINE DE KOCK:** Chair I have read them through and as far as I am concerned there is no difference between the two.

**ADV VERUSCHKA SEPTEMBER:** If I can ask you to turn to page 47 of S12 which is your bundle?

**MS MARIJKE CHRISTINE DE KOCK:** 47. Okay.

**ADV VERUSCHKA SEPTEMBER:** And then at the same time turn to page 435, AA435.

**CHAIRPERSON:** You know what you can do Ms September?

**ADV VERUSCHKA SEPTEMBER:** Yes Chair.

10 **CHAIRPERSON:** Because it is quite clear from her affidavit that she has looked at them is basically to ask her to confirm that she has looked at both that one and that one. You say what they are. She might not have, we might not have to page through and she will just confirm that she did have a look and she will tell us what difference if any there is. So in that way also we might be quick.

**ADV VERUSCHKA SEPTEMBER:** As it pleases Chair.

**CHAIRPERSON:** Ja.

**ADV VERUSCHKA SEPTEMBER:** Paragraph 12 of your affidavit speaks specifically to a difference between the two documents?

**MS MARIJKE CHRISTINE DE KOCK:** That is correct Chair.

20 **ADV VERUSCHKA SEPTEMBER:** Can you please inform the Chair as to what exactly that difference is?

**MS MARIJKE CHRISTINE DE KOCK:** Chair if you look at the document from Mr Agrizzi's bundle that is number AA435.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** The next page is AA436.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** Page AA435 starts with a paragraph that says:

“Determining the facts...”

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** And in my bundle which is MCDK046.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** The next page is 047.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** At the top of 047 the words would read:

10 “During May 2010 it was reported.”

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** Now that page is missing from Mr Agrizzi's bundle.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** And his bundle starts on the next page which would be 048.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** So it is just that if you look at the two it is just that that one page should have been inserted in between.

20 **CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** And it is not. It is not available.

**CHAIRPERSON:** But other than that they are the same? Are they the same?

**MS MARIJKE CHRISTINE DE KOCK:** Except for the missing page?

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** The rest is all the same.



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

**ADV VERUSCHKA SEPTEMBER:** If I can just take you then to page 56 of your bundle which appears to be a blank page.

**MS MARIJKE CHRISTINE DE KOCK:** 56, yes.

**ADV VERUSCHKA SEPTEMBER:** Do you have any comment in relation to this blank page?

**MS MARIJKE CHRISTINE DE KOCK:** Chair the – I can just give a little bit of background, this document that I'm referring to that's in my bundle was on my – is a document on my computer, and as I drafted the document some of the – I don't know  
10 how it happens, I don't know if I shortened the document or there was an extra page but the wording confidential appears on an additional page that's not, that does not form part of the document in – that was made available, that Mr Agrizzi testified. Normally in such a situation where something like this occurs I would just take the blank page off but this is just to indicate that mine might be a little bit more complete than the one that you've got in your bundle but as far as I'm concerned it's exactly the same document.

**CHAIRPERSON:** The words, the content is the same, it's just the space it has taken in regard to one it's a shorter space than in regard to the other one.

**MS MARIJKE CHRISTINE DE KOCK:** No, no it's not a shorter space, the other one  
20 has just got an additional page.

**CHAIRPERSON:** Yes, but that is what I'm trying to say when I say if one, if you've got two documents and the contents are the same the one is five pages the other one is six pages, the one document the content has taken a shorter space than the other it might be longer because it's gone to another page or it's three quarters of the page whereas in the other one it's half of the page or something like that.

**MS MARIJKE CHRISTINE DE KOCK:** Correct, the content is exactly the same, except for that one missing page.

**CHAIRPERSON:** Yes okay.

**ADV VERUSCHKA SEPTEMBER:** It is therefore correct that you are in fact the author of this document?

**MS MARIJKE CHRISTINE DE KOCK:** Correct Chair.

**ADV VERUSCHKA SEPTEMBER:** Paragraph 13 of your affidavit talks to the circumstances under which you authored the document. Can you please explain these circumstances to the Chair?

10 **MS MARIJKE CHRISTINE DE KOCK:** Yes Chair if you would look at the start of the document, either page AA418 or my corresponding page, 029 in my bundle the first paragraph of that document, page AA418, gives the following information:

“During October 2011 I received a request to comment on a *subpoena duces tecum* that was served on the Special Investigation Unit during February 2011.”

So the heading also states that the document is dated, the *subpoena duces tecum* was dated the 14<sup>th</sup> of February 2018. I only received this request to comment on the document during October 2011 and my document on AA443 the date is given there, the date that I completed this document was 28 October 2011. I received the request to  
20 prepare this opinion from my Investigating Officer, Colonel Danie Kriel, and it was at his request that I prepared it.

**CHAIRPERSON:** Okay.

**ADV VERUSCHKA SEPTEMBER:** If I can then just take you quickly to page 54 of your document, at which you conclude ...(intervention)

**CHAIRPERSON:** That is – just so that the reader of the transcript won’t think it’s a

document other than Exhibit S12, you're talking about S12?

**ADV VERUSCHKA SEPTEMBER:** S12 page 54, thank you Chair.

**CHAIRPERSON:** Okay.

**ADV VERUSCHKA SEPTEMBER:** On that page you provide a summary of facts and you reach certain conclusions correct? If I can ask you to turn to page 55 and read into the record paragraph 7 and 8 please.

**MS MARIJKE CHRISTINE DE KOCK:** 7 and 8, paragraph 7:

10                    “the integrity of the judicial process is of high importance. If documents are made available before any criminal trial is finalised the disclosure itself may create a huge risk of prejudice to the administration of justice. Courts will interpret the act with fairness to all...”

and then I refer to compare Bremmer *supra* paragraphs 46 to 47, the reference will be earlier in the document. Paragraph 8.

                  “I’m of the view that there are various levels of argument that could be advanced in support of the view that the subpoena amounts to an abuse of the process of Court.”

That was my two last paragraphs in my conclusion.

**ADV VERUSCHKA SEPTEMBER:** And this document is dated the 28<sup>th</sup> of October 2011?

20    **MS MARIJKE CHRISTINE DE KOCK:** Correct.

**ADV VERUSCHKA SEPTEMBER:** And when one compares that page which is page 55 of S12 to page AA443 of the other bundle, of S1, it's similarly dated 28 October 2012 with your details appearing at the bottom, is that correct?

**MS MARIJKE CHRISTINE DE KOCK:** Correct Chair.

**ADV VERUSCHKA SEPTEMBER:** Thank you. Do you know how these documents

found its way into the possession of Angelo Agrizzi?

**MS MARIJKE CHRISTINE DE KOCK:** Chair I have got no idea.

**ADV VERUSCHKA SEPTEMBER:** If you can then turn to Group 2 as you categorised these documents, is it correct that these documents which form part of Group 2 are attached to your affidavit under the second tab, which is MDK2?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**ADV VERUSCHKA SEPTEMBER:** If I can then ask you to turn to page 57 of your affidavit which is S12, page 57.

**MS MARIJKE CHRISTINE DE KOCK:** I've got that.

10 **ADV VERUSCHKA SEPTEMBER:** You will note that there is an email that is filed at that page?

**MS MARIJKE CHRISTINE DE KOCK:** Correct Chair.

**ADV VERUSCHKA SEPTEMBER:** If I can ask you to just read into the record the email that starts at the bottom which is from Laurence Mgoybi sent Thursday November 1 2012 at 10:27 am the email being sent to Marshall Mokgatle, cc Tjlofello Pimoja and the subject title is Section 205 subpoena.

**MS MARIJKE CHRISTINE DE KOCK:** Correct Chair that is the header information on the email.

**ADV VERUSCHKA SEPTEMBER:** Please read that particular email into the record.

20 **MS MARIJKE CHRISTINE DE KOCK:** It reads:

"Mushlekaze with reference to the attached representations please as a matter of urgency can I get a status report on the Bosasa matter, setting out *inter alia* the charges, possible suspects, evidence against such suspects, anticipated difficulties in the matter etcetera. The prosecutor must comment on the representations specifically saying why it is necessary to go this route

and say whether we can be able to defend the matter if challenged and any possible suggestions. In view of the urgency can I get the Prosecutor's report by 10:00 am on the 2<sup>nd</sup> of November 2012 so that I can respond to the lawyers.

Regards

Advocate L S Mgoybi"

And his information is found on page MCDK058.

**ADV VERUSCHKA SEPTEMBER:** Before we turn to the email of response to that email can you clarify to the Chair who is Marshall Mokgatle?

- 10 **MS MARIJKE CHRISTINE DE KOCK:** Chair he is the – I'm not sure if he was at that time in an acting position, but he was in an acting position but currently he is the Regional Head of the Specialised Commercial Crime Unit in Pretoria, so during this period he was either in a position of Acting Regional Head or then later as Regional Head.

**ADV VERUSCHKA SEPTEMBER:** And were the reporting structures between you and Mr Mokgatle?

**MS MARIJKE CHRISTINE DE KOCK:** I report to Mr Mokgatle and Mr Mokgatle then again reports to Mr Mgoybi or Advocate Mgoybi.

- ADV VERUSCHKA SEPTEMBER:** Then if I can ask you to turn to page 59 of the same  
20 bundle, S12, there's a letter from Eversheds Attorneys dated 31 October 2012 and it's sent by a certain Mr Brian Biebuyck.

**MS MARIJKE CHRISTINE DE KOCK:** Correct.

**ADV VERUSCHKA SEPTEMBER:** And that signature appears on page 60, which is the next page of the same bundle?

**MS MARIJKE CHRISTINE DE KOCK:** Correct Chair.

**ADV VERUSCHKA SEPTEMBER:** Is it correct that these – or rather is it correct that these were in fact the representations referred to in the email?

**MS MARIJKE CHRISTINE DE KOCK:** Correct Chair.

**ADV VERUSCHKA SEPTEMBER:** In that instance can we then move on to, or rather go back to page 57 of S12, and in the middle of the page is noted an email which is sent from Marshall Mokgatle on the 1<sup>st</sup> of November 2012 10:47 am which is about 30 minutes after receipt of the email below, and it's sent to you, cc Tjoloello Pimoja with the same subject title as the previous email and marked importance as high.

**MS MARIJKE CHRISTINE DE KOCK:** Correct Chair.

10 **ADV VERUSCHKA SEPTEMBER:** Can I ask you to read that email into the record please?

**MS MARIJKE CHRISTINE DE KOCK:** It says, it refers to me by my first name, it says:

“Dear Marijke,

Please find the email from Advocate Mgoybi for your urgent attention.

Please forward your response to me so that I can send it to Advocate Mgoybi.

Regards,

Marshall Mokgatle”

20 **ADV VERUSCHKA SEPTEMBER:** Now if I can ask you to turn to page 5 of your affidavit, which is in the same bundle, S12.

**MS MARIJKE CHRISTINE DE KOCK:** Sorry, page?

**ADV VERUSCHKA SEPTEMBER:** Page 5.

**MS MARIJKE CHRISTINE DE KOCK:** Correct.

**ADV VERUSCHKA SEPTEMBER:** What happened when you received this email that you had just read into the record, calling upon you to provide a response to the

representations?

**MS MARIJKE CHRISTINE DE KOCK:** It was received at about 10/17, the original email was dated 10/17 and the one that was sent to me was 30 minutes later and the instruction was specific that by the next day at 10:00 am in the morning I should provide a response to the Eversheds representations. I must say it was very short notice but I did prepare a document and it forms part of the bundle.

**ADV VERUSCHKA SEPTEMBER:** Can I then ask you to turn to page 62 of the same bundle, S12.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

10 **ADV VERUSCHKA SEPTEMBER:** And what document do you see before you?

**MS MARIJKE CHRISTINE DE KOCK:** Chair, this is the covering letter of the document that I prepared in response to the representations on the next day being the 2 November. The document is dated just below the logo of the National Prosecuting Authority, it's date the 2 November 2012.

**CHAIRPERSON:** Okay, I'm sorry, I think I didn't hear the page number. Okay, I'm at 52 but I think you must have said another number, page number.

**ADV VERUSCHKA SEPTEMBER:** It's page 62.

**CHAIRPERSON:** 62?

**ADV VERUSCHKA SEPTEMBER:** Yes, Chair, of the same bundle S12. Yes.

20 **CHAIRPERSON:** Yes, you may proceed, Ms de Kock.

**MS MARIJKE CHRISTINE DE KOCK:** Chair, this is the covering letter that accompanied the document that I prepared in response to the representations. So this document just below the logo of the National Prosecuting Authority, that document is dated the 2 November 2012. It is a memorandum. It was signed by Adv Mokgatle, the Acting Regional Head of the SCCU Pretoria, so he was still in the position of Acting

Regional Head at the time. What the normal procedure in our office is that if you – if the Regional Head needs to send out a document, the document goes out under his name but I would be the one preparing the document. So in fact the contents, even though it's his signature on the document, the contents of that document was prepared by me. And in paragraphs 1, just below the subject heading:

“I refer to the fact that the representation was received on the 31 October and your email communication dated the 1 November 2012, please find the following.”

That's obviously now Adv Mokgatle referring to the email that was received from Adv  
10 Mgwebi and in the – just below this, in the next paragraph, with the number 1 in brackets it says:

“A written response from Adv de Kock and Janse van Rensburg setting out the legal position and their views on the merits of the representation, annexure A.”

That annexure A refers to the – my response to the representations that was prepared. So that then that was – or my response was then attached to this memo as the answer to the representations.

**CHAIRPERSON:** And your response is the one at 64?

**MS MARIJKE CHRISTINE DE KOCK:** No, I just...

20 **ADV VERUSCHKA SEPTEMBER:** No, Chair.

**CHAIRPERSON:** That's not the one?

**ADV VERUSCHKA SEPTEMBER:** No, Chair.

**CHAIRPERSON:** Is that the one that we dealt with earlier?

**ADV VERUSCHKA SEPTEMBER:** Not yet, Chair.

**CHAIRPERSON:** Not yet, oh, okay.



**ADV VERUSCHKA SEPTEMBER:** If I may? So the annexure that you refer to in paragraph 1.1 on page 62.

**MS MARIJKE CHRISTINE DE KOCK:** Yes?

**ADV VERUSCHKA SEPTEMBER:** Can I ask you to turn to page 67 of the same bundle.

**MS MARIJKE CHRISTINE DE KOCK:** I've got that.

**ADV VERUSCHKA SEPTEMBER:** Okay. And that document in your bundle runs until page 93, is that correct?

**MS MARIJKE CHRISTINE DE KOCK:** Correct.

10 **ADV VERUSCHKA SEPTEMBER:** Is this the annexure A that you in fact referred to in paragraph 1.1 of your document at page 62?

**MS MARIJKE CHRISTINE DE KOCK:** Chair, if I can explain?

**ADV VERUSCHKA SEPTEMBER:** Please do.

**MS MARIJKE CHRISTINE DE KOCK:** The document that you have in my bundle is the documents still to be found on my computer. So this was not the one that was sent but the contents again is identical to the one that was sent except for the last two pages in my bundle being page 92 and 93 being two blank pages, the same situation. I don't know why it – if I print it on my computer, two additional blank pages appear. But in content I've referred to the – I've read through the document and I confirm that the  
20 contents of the two documents, the one in my file and the one in Mr Agrizzi's exhibits that they correspond.

**ADV VERUSCHKA SEPTEMBER:** I'll take you to that right now.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

**ADV VERUSCHKA SEPTEMBER:** While holding on in S12 on page 62 and holding onto page 67, the one being a memorandum, the other one being annexure A, can I

first take you to page – in the Agrizzi documents, page 471?

**MS MARIJKE CHRISTINE DE KOCK:** 471.

**ADV VERUSCHKA SEPTEMBER:** And compare that to the document – sorry, in your bundle, at page 62.

**MS MARIJKE CHRISTINE DE KOCK:** I've got them both with me.

**ADV VERUSCHKA SEPTEMBER:** What is your observation in relation to these two documents?

10 **MS MARIJKE CHRISTINE DE KOCK:** Except that the one in Mr Agrizzi's Exhibit AA471 appears to be darker in appearance than my document. The contents is the same.

**ADV VERUSCHKA SEPTEMBER:** And then can I ask you to, while holding onto page 67 in S12, which is your bundle.

**MS MARIJKE CHRISTINE DE KOCK:** 67.

**ADV VERUSCHKA SEPTEMBER:** And that is the document marked annexure A.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

**ADV VERUSCHKA SEPTEMBER:** If you can compare that to page 445 of the Agrizzi bundle.

**CHAIRPERSON:** 4...?

**ADV VERUSCHKA SEPTEMBER:** So in the Agrizzi bundle.

20 **CHAIRPERSON:** What page?

**ADV VERUSCHKA SEPTEMBER:** It's AA445.

**CHAIRPERSON:** 445. Yes.

**ADV VERUSCHKA SEPTEMBER:** And that's as compared to page 67 of the witness's bundle, both of these documents being marked annexure A.

**CHAIRPERSON:** Yes.

**ADV VERUSCHKA SEPTEMBER:** What's your observation in relation to these two comparative documents?

**MS MARIJKE CHRISTINE DE KOCK:** Chair, I've collated the two documents. Before I prepared my affidavit I carefully read through the documents.

**CHAIRPERSON:** Yes, ja.

**MS MARIJKE CHRISTINE DE KOCK:** And they start the same place and they end – this specific page ends with words:

“This section is...”

Both of them end with that word. As far as I'm concerned, this particular page of the  
10 two is identical and I've done that with the rest of the pages but I presume we will go through that.

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

**ADV VERUSCHKA SEPTEMBER:** Paragraph 19 of your affidavit, which is on page 5...

**CHAIRPERSON:** Well, maybe before you go there because I'm still wondering what the relevance of the memo at page 64 of Exhibit S12 to your memo at 62.

**MS MARIJKE CHRISTINE DE KOCK:** Chair, if I can explain?

**CHAIRPERSON:** Ja because otherwise it's confusing me, it comes immediately after your memo.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

20 **CHAIRPERSON:** But the actual annexure to which you refer in the memo at 62 is behind it, comes after it.

**MS MARIJKE CHRISTINE DE KOCK:** Perhaps I can explain it in this way. During this time I was regularly requested to report on the Bosasa matter.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** So the memo, the representations that I had to

respond to...

**CHAIRPERSON:** You respond by way of annexure A.

**MS MARIJKE CHRISTINE DE KOCK:** I did respond by way of annexure A and that document is dated the 2 November 2012.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** So the next reporting period would have been the end of November.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** And at that time when I had to respond, in the  
10 meantime I received word that the representations was turned down. So in my report dated the 26 November 2012 I refer, as part of my regular reporting, I refer to the fact that the representations had been turned down. So that is the relevance. The 2 November document attaches my response and the 26 November 2012 document is the outcome of that representation.

**CHAIRPERSON:** In paragraph 3, I don't know if it's supposed to be read as paragraph 1 of subparagraph 3.

**MS MARIJKE CHRISTINE DE KOCK:** Ja?

**CHAIRPERSON:** At the bottom of page 62.

**MS MARIJKE CHRISTINE DE KOCK:** I've got that.

20 **CHAIRPERSON:** That last sentence goes up to page 63 and it refers to a report marked annexure B. That's not the document that comes immediately after the document at pages 62 and 63.

**MS MARIJKE CHRISTINE DE KOCK:** No.

**CHAIRPERSON:** I don't see that it is marked B.

**MS MARIJKE CHRISTINE DE KOCK:** No. I'm sorry, I haven't searched for B.

**CHAIRPERSON:** Yes. Well, am I right to think that in your memo appearing at page 62 you make no reference to the progress report that comes immediately after that memo?

**MS MARIJKE CHRISTINE DE KOCK:** Sorry, Chair?

**CHAIRPERSON:** Am I right to think that in your memo at page 62.

**MS MARIJKE CHRISTINE DE KOCK:** Yes?

**CHAIRPERSON:** You make no reference to the progress report that comes immediately after that memo.

**MS MARIJKE CHRISTINE DE KOCK:** No, because it was still – no, it didn't exist at  
10 that time.

**CHAIRPERSON:** Yes, then...[intervenes]

**MS MARIJKE CHRISTINE DE KOCK:** The second document only came into existence on the 26 November 2012.

**CHAIRPERSON:** In other words, that memo could not have been attached or that progress report could not have been attached to the memo at page 62?

**MS MARIJKE CHRISTINE DE KOCK:** No. No, no, no, it's just a later report.

**CHAIRPERSON:** It's annexure A or was annexure A attached to the memo at 62?

**MS MARIJKE CHRISTINE DE KOCK:** Yes, correct.

**CHAIRPERSON:** So therefore the progress report is wrongly located there, isn't it? It  
20 shouldn't come between annexure A and the memo at page 62?

**MS MARIJKE CHRISTINE DE KOCK:** Technically speaking correct because it's out of sequence there.

**CHAIRPERSON:** Yes, it's out of sequence.

**MS MARIJKE CHRISTINE DE KOCK:** Sequence.

**CHAIRPERSON:** So it causes confusion.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** You see? Because your memo does refer to annexure A.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** And if you see the reference to annexure A you immediately want to look at the document that is attached to the memo and when you go there, you find another document.

**MS MARIJKE CHRISTINE DE KOCK:** Sorry, Chair.

**CHAIRPERSON:** You find a document which is not marked annexure A, you might think well, maybe they forgot to mark it annexure A but it is the document and you read  
10 it and so you could easily say in a document that was referred to as annexure A, this is what was said but actually that would be incorrect because that document did not exist at that time.

**MS MARIJKE CHRISTINE DE KOCK:** Sorry, Chair, we should have placed it – technically speaking we should have placed it around about page MCDK94. That would have been in the correct chronology.

**CHAIRPERSON:** Ja.

**MS MARIJKE CHRISTINE DE KOCK:** What it was – the idea was to group the documents together that came into existence during November 2012.

**CHAIRPERSON:** Ja, but the idea ought also to have been that an annexure to a  
20 document should come immediately after that document.

**MS MARIJKE CHRISTINE DE KOCK:** Yes, yes, yes.

**CHAIRPERSON:** Yes. I don't know what can be done to make sure months later, when one reads here, one doesn't get confused. Ms September, you can think about that in terms of what can be done otherwise if one doesn't look at the date on the progress report one could easily think that's the annexure referred to in the

memorandum at page 62 when in fact that's not correct.

**ADV VERUSCHKA SEPTEMBER:** As it pleases, Chair, will do.

**CHAIRPERSON:** Otherwise, maybe what could be done is that it could be taken out the progress report from where it is and in order not to disturb the sequence of the pagination, the numbering, three blank pages could be put in there that would be given those page numbers and then this one be placed in the right place and be given some page number that would make a difference otherwise it gets confusing. I hope it is the only one that is in the wrong place.

**ADV VERUSCHKA SEPTEMBER:** I appears to be, Chair, but will certainly clarify and  
10 explain it in a supplementary and then insert the necessary blank pages for insertion of these pages after annexure A.

**CHAIRPERSON:** Okay, thank you.

**ADV VERUSCHKA SEPTEMBER:** If – having dealt with progress report then at page 64 of your affidavit.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Can I ask you just to read the first two sentences under background?

**MS MARIJKE CHRISTINE DE KOCK:** That's on page 64?

**ADV VERUSCHKA SEPTEMBER:** Yes please.

20 **MS MARIJKE CHRISTINE DE KOCK:** “The SAPS investigation commenced during February 2010. The full background to the SAPS investigation is set out in a 75 page report prepared by the Special Investigation Unit and attached hereto as annexure A.”

**ADV VERUSCHKA SEPTEMBER:** And the next sentence as well please?

**MS MARIJKE CHRISTINE DE KOCK:** “The SIU investigation resulted from various

allegations that surfaced in the media relating to the irregular awarding of contracts by the Department of Correctional Services (DCS) to Bosasa Operations (Pty) Ltd (Bosasa).”

**ADV VERUSCHKA SEPTEMBER:** And then can I ask you to turn the page to page 65?

**CHAIRPERSON:** Before you turn the page you’ll see that second sentence of the progress report that refers – that says – that refers to annexure A attached thereto. It creates more problems because annexure A is something else and not the report. So but when you correct it, then it will help, but I’m just pointing out that it exacerbates the  
10 problem.

**ADV VERUSCHKA SEPTEMBER:** Chair this particular document excluding Annexure A is a document that found its way into the possession of Agrizzi – of Angelo Agrizzi.

**CHAIRPERSON:** Mr Angelo Agrizzi.

**ADV VERUSCHKA SEPTEMBER:** Mr Angelo Agrizzi.

**CHAIRPERSON:** Yes.

**ADV VERUSCHKA SEPTEMBER:** And for purposes of this particular witness she was provided with the documents, the 17 documents that Mr Angelo Agrizzi had placed before the commission. This document in particular not necessarily attaching the Annexure A referred to in here is the document that she has identified which is  
20 synonymous to the documents found into the possession of Mr Angelo Agrizzi.

**CHAIRPERSON:** No I understand I think what you are talking about is the fact that the document does not itself – that the SIU report is not attached to that document. That I understand.

**ADV VERUSCHKA SEPTEMBER:** Yes Chair.

**CHAIRPERSON:** I am simply saying because immediately behind that document there



is a document marked Annexure A. It could cause problems but the fact that you are going to remove it from where it is that should take care of the problem.

**ADV VERUSCHKA SEPTEMBER:** Thank you for the clarity Chair.

**CHAIRPERSON:** Okay.

**ADV VERUSCHKA SEPTEMBER:** If I can then ask you to turn the page which is page 65.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** And for the record in the second paragraph the 9<sup>th</sup> line at the end of the line the sentence begins with “we informed”.

10 **MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Can I ask you to read that until the end of the paragraph into the record please?

**MS MARIJKE CHRISTINE DE KOCK:**

20 “We informed the special director that the Eversheds letter amounted to an irregular attempt to review the issuing of the subpoenas, avoid the required court appearance by the witnesses and mislead the NPA as to the true facts concerning the legal process. The Special Director informed Brian Biebuyck that the application to the magistrate for the issuance of the subpoena was well considered and that the activities relating – related to a lawful investigative process. He declined to withdraw the subpoenas stating that such behaviour would amount to an unlawful review of the decision of the issuing magistrate.”

**ADV VERUSCHKA SEPTEMBER:** And then lastly on page 66. Can you read the

paragraph under the heading “Other Issues” into the record please?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

“I – I will read – I am not yet in a position to specify the proposed charges against the suspects. The investigation is still in progress and I cannot give a summary of the nature and quality of the current and still to be obtained evidence except to say that we do not anticipate it to be challenged on any known grounds. No legal issues and or challenges other than the court proceedings mentioned above have been brought to our attention. We will have more clarity on the issuing of the Section 205 subpoenas on the 14 February 2013.”

**ADV VERUSCHKA SEPTEMBER:** And this document is dated 26 November 2012, is that correct?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** If I can ask you to turn to page 6 of your affidavit.

**MS MARIJKE CHRISTINE DE KOCK:** Yes I have got page 6.

**ADV VERUSCHKA SEPTEMBER:** Paragraph 22 talks specifically to Annexure A. Can I ask you to please explain paragraph 22 and any other differences in the Annexure A comparative documents to the Chair please?

20 **MS MARIJKE CHRISTINE DE KOCK:** I just want to go to Mr Agrizzi’s document A461.

**ADV VERUSCHKA SEPTEMBER:** That would be found on page 445 of the Agizzi’s documents.

**MS MARIJKE CHRISTINE DE KOCK:** 445.

**CHAIRPERSON:** But you want us to go to A461 or not really?

**ADV VERUSCHKA SEPTEMBER:** No Chair the witness is specifically referring now to

Annexure A as compared between the document that had found itself into the possession of Mr Angelo Agrizzi and the document.

**CHAIRPERSON**: Yes okay.

**ADV VERUSCHKA SEPTEMBER**: So the comparison in references is page AA445 in the Agrizzi documents and page 67 in the witness' bundle.

**CHAIRPERSON**: Thank you.

**MS MARIJKE CHRISTINE DE KOCK**: Page 67.

**CHAIRPERSON**: Did you not mention a page AA461 Ms De Kock?

**MS MARIJKE CHRISTINE DE KOCK**: Yes Chair I think – I think there is a...

10 **CHAIRPERSON**: There is a line drawn there on the margin.

**MS MARIJKE CHRISTINE DE KOCK**: Ja the correct page number – the document that I was referring to was 461 and AA465 that is where you find the – that is where you find the vertical lines next to the specific paragraphs.

**CHAIRPERSON**: But those para – those pages are part of the document that starts at page AA445 in Exhibit S2 is it not?

**MS MARIJKE CHRISTINE DE KOCK**: Yes that is in Mr Agrizzi

**CHAIRPERSON**: They are the same?

**MS MARIJKE CHRISTINE DE KOCK**: That is in the Mr Agrizzi's bundle.

**CHAIRPERSON**: Yes.

20 **MS MARIJKE CHRISTINE DE KOCK**: The only thing I wanted to point out is that at the time when we transmitted the document that is this Annexure A – the

**CHAIRPERSON**: Ja.

**MS MARIJKE CHRISTINE DE KOCK**: The memorandum containing the representations.

**CHAIRPERSON**: Yes.

**MS MARIJKE CHRISTINE DE KOCK:** When that was submitted to Advocate Mrwebi

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** Mrwebi.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** The document was submitted in a clean format.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** I did not make any notes in the margins.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** So he would have received a clean copy.

10 **CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** And after that time and I do not know who – who made the notes

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** Someone was interested in – on page AA6 465 to a paragraph with the reference “Dirty Money” and made a vertical ..

**CHAIRPERSON:** A line – drew a line.

**MS MARIJKE CHRISTINE DE KOCK:** A line next to that paragraph to me indicating that that person drew his own attention to the contents of that specific paragraph. I just want to point out that I was not the author of that line.

20 **CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** I did not – the document was supposed to have reached him and did reach him in a clean condition.

**CHAIRPERSON:** Yes and you want make the same remark at – in regard to the top paragraph at page 461 in Exhibit S – S2 that is Mr Agrizzi’s document.

**MS MARIJKE CHRISTINE DE KOCK:** Exactly. Exactly Chair.

**CHAIRPERSON:** Ja okay.

**ADV VERUSCHKA SEPTEMBER:** As it pleases. Do you know how these documents found its way into the possession of Mr Angelo Agrizzi?

**MS MARIJKE CHRISTINE DE KOCK:** No Chair.

**ADV VERUSCHKA SEPTEMBER:** If you can then turn to page 8 of your affidavit.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Which deals with the third or rather group 3 of your documents?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

10 **ADV VERUSCHKA SEPTEMBER:** If you look at the Agrizzi documents which is marked AA482.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

**ADV VERUSCHKA SEPTEMBER:** And you compare that document to the document that forms part of your bundle which is page 99.

**MS MARIJKE CHRISTINE DE KOCK:** I have got both pages in front of me.

**ADV VERUSCHKA SEPTEMBER:** What is your observation in relation to these two documents?

**MS MARIJKE CHRISTINE DE KOCK:** Chair I – both these pages are also again identical except that the one that is in Mr Agrizzi's bundle is slightly darker than the one  
20 that is in my bundle.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** That might have due to photocopying I do not know what caused this document to have a darker appearance.

**CHAIRPERSON:** Ja. But the content?

**MS MARIJKE CHRISTINE DE KOCK:** The contents is exactly the same.

**CHAIRPERSON:** Is exactly the same.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

**CHAIRPERSON:** Ja. Okay.

**ADV VERUSCHKA SEPTEMBER:** If I can then ask you to turn to page 94 of your bundle.

**MS MARIJKE CHRISTINE DE KOCK:** 94 ja.

**ADV VERUSCHKA SEPTEMBER:** And identify what is this document?

**MS MARIJKE CHRISTINE DE KOCK:** Chair you would see that the date on those two documents, the date on the document numbered 99 and the date on the document  
10 numbered 94 both of them have got the date the 30 April 2013.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** What happened is this document with the number MCDK094 was the document that I prepared. But my typing is so great so the formatting was not – I was not happy with the formatting.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** So Ms Moja is the secretary of Advocate Mokgatle and she always assists me if I need to transfer a document onto the office letterhead. So I presume that I – I think there is an email but I sent the document to her with the request that she transfers the information onto the – onto a new letterhead and  
20 fix the formatting for me which she did. So the document that corresponds with the Exhibit found in Mr Agrizzi's file is my document 99, 100 and 101 whilst this document that is numbered 94, 95, 96 and 97 as well as the words SECU Pretoria on the top of page 98 that was – the contents is exactly the same. It might have been say 30 minutes apart and then this information was transferred onto the document in my bundle marked 99, 100 and 101 and in Mr Agrizzi's file AA482, AA483 and AA484.

**CHAIRPERSON**: Hm. You referred to Mr Moya or Ms Moya or Ms Moya

**MS MARIJKE CHRISTINE DE KOCK**: Yes.

**CHAIRPERSON**: Who typed for you.

**MS MARIJKE CHRISTINE DE KOCK**: That is correct.

**CHAIRPERSON**: I think earlier on we came across a name that I would pronounce as Moja.

**MS MARIJKE CHRISTINE DE KOCK**: Sorry...

**CHAIRPERSON**: Is that the same person?

**MS MARIJKE CHRISTINE DE KOCK**: Yes, yes.

10 **CHAIRPERSON**: Same person?

**MS MARIJKE CHRISTINE DE KOCK**: Yes Chair it is exactly the same person.

**CHAIRPERSON**: Okay, alright. Thank you. M-o-j-a?

**MS MARIJKE CHRISTINE DE KOCK**: Yes that is correct.

**CHAIRPERSON**: Okay.

**MS MARIJKE CHRISTINE DE KOCK**: Chair if I can just explain. In our office when I send a document to the Regional Head the secretary would then in many instances just be copied on the communications because she must also be informed of what is going on in the office.

**CHAIRPERSON**: Okay.

20 **MS MARIJKE CHRISTINE DE KOCK**: So that is why her name appears on some of these documents.

**CHAIRPERSON**: Okay. Thank you.

**ADV VERUSCHKA SEPTEMBER**: So just to then clarify who is PA, personal assistant assisted you to format your doc – your original document?

**MS MARIJKE CHRISTINE DE KOCK**: Is it Advocate Mokgatle's personal assistant Ms

Moja.

**ADV VERUSCHKA SEPTEMBER:** And to whom did Mr Mokgatle report to at the time?

**MS MARIJKE CHRISTINE DE KOCK:** To Advocate Mrwebi.

**ADV VERUSCHKA SEPTEMBER:** Thank you. If I can ask you to turn to page 99.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** In the second paragraph can I ask you to read that paragraph into the record please?

**MS MARIJKE CHRISTINE DE KOCK:** The full paragraph?

**ADV VERUSCHKA SEPTEMBER:** Yes.

10 **MS MARIJKE CHRISTINE DE KOCK:** The one that says the prosecution of Patrick O'Connell Gillingham?

**MS MARIJKE CHRISTINE DE KOCK:** Yes please.

**MS MARIJKE CHRISTINE DE KOCK:** Okay. I am referring – I am reporting to or actually I have drafted the document and now Advocate Mokgatle on my behalf is reporting to Advocate Mrwebi by transmitting the document but the contents which it reads as follows:

20 "I am busy working on a draft charge sheet in respect of Patrick O'Connell Gillingham. The proposed charges against him involve corruption, money laundering and fraud. It is alleged that POC Gillingham received corrupt benefits in the amount of approximately R3.6 million. These benefits consisted of both movable and immovable property. It is important to notice the sequence of payments as this gives an indication of the nature of the corrupt relationship that existed between Gillingham and individuals related to the Bosasa Group of companies. I attach



an extract from the draft charge sheet with highlighted dates and events [compare Annexure A] during the period 2004, 2005, 2006 and 2007. Patrick Gillingham received a stream of benefits at very regular intervals.”

**ADV VERUSCHKA SEPTEMBER:** Before we deal with that particular draft charge sheet can you please just explain to the Chair the circumstances under which you prepared this document? You give detail to it in fact at paragraph 26 of your affidavit which is at page 8 and 27.

10 **MS MARIJKE CHRISTINE DE KOCK:** Yes paragraph 26 is what I have just tried to explain to the Chair that I had a draft document that that was then transferred onto a second document prepared by Mr Moja on my behalf and that that second document is the same one as the court’s exhibit AA482, 483 and 484. And then in paragraph 27 Exhibit AA482 to AA484 resulted from a request to prepare a progress report on the Bosasa investigation. An earlier response appears to have been insufficient and I received a request for more information and a detailed report in respect of the Bosasa investigation and then I give the CAS number of that docket. It is Pretoria Central CAS1556/02 referring to February 2010 [compare paragraph 1 of Exhibit AA482]. And then...

**ADV VERUSCHKA SEPTEMBER:** Please I did not mean to interrupt you.

20 **MS MARIJKE CHRISTINE DE KOCK:** Ja.

**ADV VERUSCHKA SEPTEMBER:** Paragraph 29 of your affidavit addresses the need for the charge sheet. Can you please explain that to the Chair?

**MS MARIJKE CHRISTINE DE KOCK:** Ja I can just – could I just go back to explain the – this paragraph that says:

“In response to the request for more information and a detailed

report in respect of the progress with the investigation...”

**CHAIRPERSON**: What paragraph number is that?

**MS MARIJKE CHRISTINE DE KOCK**: That is on AA482 under the heading “Introduction”

**CHAIRPERSON**: 482?

**MS MARIJKE CHRISTINE DE KOCK**: AA482.

**CHAIRPERSON**: Yes.

**MS MARIJKE CHRISTINE DE KOCK**: Under the heading “Introduction”

**CHAIRPERSON**: Yes.

10 **MS MARIJKE CHRISTINE DE KOCK**: I write there – remember this is now ...

**CHAIRPERSON**: This is now in Exhibit S2?

**MS MARIJKE CHRISTINE DE KOCK**: Yes.

**CHAIRPERSON**: Yes.

**MS MARIJKE CHRISTINE DE KOCK**: It refers – I start my – it is a progress report on the Bosasa investigation. So what I am indicating there is that at some time before this date of the 30 April probably very shortly before this time I prepared a different memorandum and the person that received that memorandum was not happy with the contents or wanted more information. So I start my memo by saying:

20 “In response to the request for more information and a detailed  
report in respect of the progress with the investigation of Pretoria  
Central CAS 1556/02/2010 I wish to report as follows:”

And then I am now giving more information – I am trying to provide more information.

**CHAIRPERSON**: Hm. Now and you may have explained this before. I see that that memo is addressed to Advocate Mrwebi but at the end it purports to come from you. Was it one that was still to be put onto Mr Mokgatlé’s name with you having prepared it

or was it going to go to Mr Mrwebi under your name?

**MS MARIJKE CHRISTINE DE KOCK:** Chair this happened in 2013.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** But all I can say is if you look at the – it indicates that it is a report from myself and a report from Advocate Van Rensburg. So – and I think the – we have got the attachment.

**CHAIRPERSON:** Of course you – of course you understand why I am asking?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** Because earlier on you said you were reporting to Mr Mokgatle and  
10 you would prepare a document and he would – it would be given to him and he would then put it in his name and then send it to Mr Mrwebi.

**MS MARIJKE CHRISTINE DE KOCK:** Ja

**CHAIRPERSON:** So – but this one is different.

**MS MARIJKE CHRISTINE DE KOCK:** I cannot – I cannot remember why this is the odd one out.

**CHAIRPERSON:** Okay. Okay.

**ADV VERUSCHKA SEPTEMBER:** Is it correct that the document which is at page 99 titled “Progress Report on the Bosasa Investigation” dated 30 April 2013 addressed to Advocate Mrwebi under your unsigned name

20 **MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Together with the charge sheet and a document which deal – is marked “Preamble” found its way into the possession of Mr Angelo Agrizzi

**MS MARIJKE CHRISTINE DE KOCK:** That is correct.

**ADV VERUSCHKA SEPTEMBER:** If I can ask you to turn to page 102.

**MS MARIJKE CHRISTINE DE KOCK:** I have got that.

**ADV VERUSCHKA SEPTEMBER:** Of your bundle.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Which is S12 that is then marked in tramlines  
“charge sheet”.

**MS MARIJKE CHRISTINE DE KOCK:** Correct.

**ADV VERUSCHKA SEPTEMBER:** There are – there is quite a bit of red print?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** In the document itself. Did you have a reason for  
10 marking things in different colours because on page 109 at the bottom you have blue  
writing?

**MS MARIJKE CHRISTINE DE KOCK:** Chair I can explain the way I worked. At the  
Specialised Commercial Crime Unit one of the principles with which we work is  
something called “Prosecuted Guided Investigations”. Now the purpose of that would  
be that because we from the beginning realised that this would be an investigation with  
a huge magnitude. The idea is that whilst the investigating officer is doing his  
investigation independent of the prosecution I would guide the investigation and I would  
give instructions as we go along. But in the meantime I would also if it is possible for  
me to start drafting a charge sheet. I will start with the working document. And then as  
20 the investigation progress I would work on that document. I might completely change it  
or alter it later on but the idea is that when the investigation is finished the charge sheet  
would also be finished at the same time. So that you do not waste time after the  
investigation – the case docket has been presented to you as a complete investigation  
that you then do not waste time starting to draft the charge sheet. So at this point in  
time the red information that is found on – with the red – the information typed in red

would indicate that I was not completely happy with the document. When I am – when I became you know when I – when I am...

**CHAIRPERSON**: So the different colours sought to draw your attention to certain specific things of interest to you. One might be you were still going to reflect whether that information is fine and maybe for another colour it could be another reason?

**MS MARIJKE CHRISTINE DE KOCK**: Exactly.

**CHAIRPERSON**: Yes.

**MS MARIJKE CHRISTINE DE KOCK**: Yes.

**CHAIRPERSON**: So the different colours had different meanings to you?

10 **MS MARIJKE CHRISTINE DE KOCK**: Exactly.

**CHAIRPERSON**: Ja okay.

**ADV VERUSCHKA SEPTEMBER**: Thank you. If I can then ask you to turn to page 108.

**MS MARIJKE CHRISTINE DE KOCK**: Yes.

**ADV VERUSCHKA SEPTEMBER**: Of your documents.

**MS MARIJKE CHRISTINE DE KOCK**: Yes.

**ADV VERUSCHKA SEPTEMBER**: At the bottom is noted "General Preamble"?

**MS MARIJKE CHRISTINE DE KOCK**: Yes.

20 **ADV VERUSCHKA SEPTEMBER**: Can you explain to the Chair how this document would have evolved when talking to the charge sheet preceding the general preamble in the document that you have attached to your affidavit?

**MS MARIJKE CHRISTINE DE KOCK**: Chair I really cannot remember everything but it is possible that this is an extract. So it is possible that the part that says "General Preamble" I might have taken it from a different document and this was a copy and paste situation. So the – I started drafting the charge sheet and I got to the count 6 on

page 108 and then I could have – I am purely speculating – I could have pasted this general preamble. If the court – if the Chair will just...

**CHAIRPERSON**: I am sorry I am behind the two of you.

**ADV VERUSCHKA SEPTEMBER**: My apologies.

**CHAIRPERSON**: So I will catch up with you just now. But let us go back to the charge sheet at page 102.

**MS MARIJKE CHRISTINE DE KOCK**: 102.

**CHAIRPERSON**: In – you see I note that it is marked Annexure A at the top, is that the same with your page there, page 102 as well?

10 **MS MARIJKE CHRISTINE DE KOCK**: Ja mine is also – I seem to have a habit of marking everything Annexure A.

**CHAIRPERSON**: Well that is what I am concerned about. In your – in the memo which precedes the charge sheet do you make a reference to Annexure A or to the charge sheet?

**MS MARIJKE CHRISTINE DE KOCK**: Here.

**CHAIRPERSON**: Is there something that says: I attach the charge sheet or is there nothing that says that?

**MS MARIJKE CHRISTINE DE KOCK**: The word says in – on page – Mr Agrizzi's page AA482 it says:

20 "I attach an extract from the draft charge sheet with highlighted  
dates and events {compare Annexure A}."

**CHAIRPERSON**: You are now reading at S2?

**MS MARIJKE CHRISTINE DE KOCK**: Yes. On AA...

**CHAIRPERSON**: On what page?

**MS MARIJKE CHRISTINE DE KOCK**: 482.

**CHAIRPERSON:** 482.

**ADV VERUSCHKA SEPTEMBER:** And the same document is reflected in her bundle also at page 99.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

**ADV VERUSCHKA SEPTEMBER:** Which is two – a few pages just before the charge sheet.

**CHAIRPERSON:** Ja well let us see.

**ADV VERUSCHKA SEPTEMBER:** And the paragraph she refers to is in paragraph 1.2 fourth line from the bottom.

10 **CHAIRPERSON:** Yes so there under paragraph 1.2 you say:

“I am busy working on a draft charge sheet”.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

**CHAIRPERSON:** The charge sheet to which you refer there is the one at page 102?

**MS MARIJKE CHRISTINE DE KOCK:** Actually no.

**CHAIRPERSON:** Is that right?

**MS MARIJKE CHRISTINE DE KOCK:** Ja in part it is true because the charge sheet would have been more comprehensive. The document that is attached I described that in the fourth line from the bottom as:

“I attach an extract from the draft charge sheet with highlighted

20                    dates and events”

**CHAIRPERSON:** Okay.

**MS MARIJKE CHRISTINE DE KOCK:** So this document that is before the commission is not – was not the full document.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** It was only an extract from an existing

document.

**CHAIRPERSON**: Yes.

**MS MARIJKE CHRISTINE DE KOCK**: Or perhaps two documents that I combined.

**CHAIRPERSON**: Okay so at page – in the document at page 99 you only say you are working on a draft charge sheet without attaching the whole draft charge sheet but you do attach an extract from the draft charge sheet. Is that right? I think I see later in the – your paragraph. You say: “I attach an extract from the draft charge sheet.”

**MS MARIJKE CHRISTINE DE KOCK**: Correct Chair.

**CHAIRPERSON**: “With highlighted dates and event.”

10 **MS MARIJKE CHRISTINE DE KOCK**: It is this document.

**CHAIRPERSON**: That – it is this one?

**MS MARIJKE CHRISTINE DE KOCK**: Ja.

**CHAIRPERSON**: It is just that – oh there it says compare Annexure A, is that a reference to Annexure A at the top of the charge sheet at page 102?

**MS MARIJKE CHRISTINE DE KOCK**: Yes, yes that is correct Chair.

**CHAIRPERSON**: Okay, alright. No...

**MS MARIJKE CHRISTINE DE KOCK**: I think perhaps just to – I am familiar with the documents but I can just perhaps point out a few things about this document that will illustrate the fact that it is an extract.

20 **CHAIRPERSON**: No, no, no you do not have to prove that is an extract.

**MS MARIJKE CHRISTINE DE KOCK**: Okay.

**CHAIRPERSON**: I am just worried that we should not have the same situation as we had with the other Annexure A. So I am just checking. But here because there is reference to Annexure A and it comes – the charge sheets comes immediately after this document at page 99 it should be fine. I was looking for a reference whether there is a



reference to Annexure A so there is a reference and that solves my worry.

**MS MARIJKE CHRISTINE DE KOCK:** Thanks Chair.

**CHAIRPERSON:** Okay. Alright. Okay but the two of you were already dealing with a certain document and I had not – I needed to catch up with you. Which document was that?

**ADV VERUSCHKA SEPTEMBER:** Chair I was ...

**CHAIRPERSON:** Or what pages?

**ADV VERUSCHKA SEPTEMBER:** Chair I just taking the witness to the actual charge sheet.

10 **CHAIRPERSON:** Yes.

**ADV VERUSCHKA SEPTEMBER:** In her bundle which is at page 102.

**CHAIRPERSON:** 102 thank you.

**ADV VERUSCHKA SEPTEMBER:** And so...

**CHAIRPERSON:** Oh that is the same document we have just talked about.

**ADV VERUSCHKA SEPTEMBER:** Correct Chair.

**CHAIRPERSON:** Okay. Yes.

**ADV VERUSCHKA SEPTEMBER:** Now if I ask you to look at page 102 which is the charge sheet, the first page of the charge sheet in your bundle?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

20 **ADV VERUSCHKA SEPTEMBER:** And compare it to the Agrizzi bundle page AA494.

**MS MARIJKE CHRISTINE DE KOCK:** 494. I have got that.

**ADV VERUSCHKA SEPTEMBER:** Are there any differences between the charge sheet at page 494 which runs until page 500 as compared to your document which starts at 102?

**MS MARIJKE CHRISTINE DE KOCK:** There is a – there is a slight difference.

**ADV VERUSCHKA SEPTEMBER:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** But I think we must just go back a few pages to page AA486.

**ADV VERUSCHKA SEPTEMBER:** Yes.

**CHAIRPERSON:** Page AA4?

**MS MARIJKE CHRISTINE DE KOCK:** 486.

**CHAIRPERSON:** 486 yes.

**MS MARIJKE CHRISTINE DE KOCK:** Chair if you compare my document which is MCDK102.

10 **CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** The document starts with a heading that says “Annexure A” and it immediately refers to the charge sheet.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** And then a little bit further on, on page MCDK108 there is a heading that says “General Preamble”.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** And then it starts with paragraph 2 and just below it “Moveable Property” and paragraph 2.16.

**CHAIRPERSON:** Yes.

20 **MS MARIJKE CHRISTINE DE KOCK:** Now on my computer this is the sequence. The charge sheet part is first and then the general preamble part is part of the same document and it starts on page 108.

**CHAIRPERSON:** Huh-uh.

**MS MARIJKE CHRISTINE DE KOCK:** But in Mr Agrizzi’s bundle you have the same documents except that I seem to have split them into two parts.

**CHAIRPERSON:** Huh-uh.

**MS MARIJKE CHRISTINE DE KOCK:** On page AA486 you have the part that says general preamble and then the charge sheet part starts on AA494.

**CHAIRPERSON:** Huh-uh.

**MS MARIJKE CHRISTINE DE KOCK:** But I have compared the contents of my document.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** That starts 102 and ends at 116 and the contents is exactly the same.

10 **CHAIRPERSON:** Ja.

**MS MARIJKE CHRISTINE DE KOCK:** As Mr Agrizzi's document that starts on AA486.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** And ends at page 500.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** Even though the sequence.

**CHAIRPERSON:** Is not the same?

**MS MARIJKE CHRISTINE DE KOCK:** Is not the same.

20 **CHAIRPERSON:** Hm. Do you recall whether when you sent the document to whoever you were sending it to it was, the sequence was the same as we find in your document starting at page 102 in your bundle or it was, the sequence was the same as we find in Mr Agrizzi's bundle starting at AA486?

**MS MARIJKE CHRISTINE DE KOCK:** Chair I would, the two documents also have one other difference.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** The document in Mr Agrizzi's bundle has got a

heading that says “Draft Chart Sheet POC Gillingham and the date 30 April 2013”.

**CHAIRPERSON:** Huh-uh.

**MS MARIJKE CHRISTINE DE KOCK:** Generally if I draft a charge sheet the preamble would be the first part.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** And the charge sheet would be the second part.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** So I would accept even though I do not have.

**CHAIRPERSON:** Hm.

10 **MS MARIJKE CHRISTINE DE KOCK:** Proof that I have at this point provided to the Commission.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** That the document presented by Mr Agrizzi.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** Is the correct sequence.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** With the correct date.

**CHAIRPERSON:** Okay. Okay.

**MS MARIJKE CHRISTINE DE KOCK:** Hm.

20 **CHAIRPERSON:** So, and it might have come, the one with that sequence might have been a later version of the document appearing, starting at page 102 in your bundle?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

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

**ADV VERUSCHKA SEPTEMBER:** And it is correct then that these, the charge sheet together with the preamble which was enclosed with the progress report on the Bosasa

investigation was prepared for Advocate L [indistinct]?

**MS MARIJKE CHRISTINE DE KOCK:** That.

**ADV VERUSCHKA SEPTEMBER:** As reflected on page 99 of your bundle?

**MS MARIJKE CHRISTINE DE KOCK:** *Ja* that is correct. We always reported on matter of this nature. We reported to the special director.

**CHAIRPERSON:** Hm.

**ADV VERUSCHKA SEPTEMBER:** Thank you. Do you know how these documents found its way into the possession of Mr Angelo Agrizzi?

**MS MARIJKE CHRISTINE DE KOCK:** No Chair.

10 **ADV VERUSCHKA SEPTEMBER:** If we can then turn to page 10 of your affidavit.

**MS MARIJKE CHRISTINE DE KOCK:** I got that.

**ADV VERUSCHKA SEPTEMBER:** So.

**CHAIRPERSON:** Well maybe before we proceed Ms de Kock we would like to proceed. It is 4 o'clock more or less. We would like to proceed and try and see if we can finish your with your evidence. Is that fine with you?

**MS MARIJKE CHRISTINE DE KOCK:** I would appreciate it Chair.

**CHAIRPERSON:** You would appreciate it?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** Okay. That is fine with you?

20 **ADV VERUSCHKA SEPTEMBER:** In your hands Chair.

**CHAIRPERSON:** Thank you.

**ADV VERUSCHKA SEPTEMBER:** Thank you.

**CHAIRPERSON:** Let us try and continue and see if can finish by five. Thank you.

**ADV VERUSCHKA SEPTEMBER:** Page 10 of your affidavit.

**MS MARIJKE CHRISTINE DE KOCK:** Yes, I have got that.

**ADV VERUSCHKA SEPTEMBER:** Paragraphs 33.

**CHAIRPERSON:** Or maybe we should take a short comfort break and then continue.

Let us say we resume at 10 past four. Is that fine?

**ADV VERUSCHKA SEPTEMBER:** I am guided by your direction Chair.

**CHAIRPERSON:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Thank you Chair.

**CHAIRPERSON:** Okay. Let us take a short comfort break. We will resume at 10 past four. We adjourn.

**REGISTRAR:** All rise.

10 **INQUIRY ADJOURNS**

**INQUIRY RESUMES**

**CHAIRPERSON:** Yes Ms September.

**ADV VERUSCHKA SEPTEMBER:** [Indistinct].

**CHAIRPERSON:** Yes.

**ADV VERUSCHKA SEPTEMBER:** [Indistinct], so sorry.

**CHAIRPERSON:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Apologies.

**CHAIRPERSON:** With group 4.

**ADV VERUSCHKA SEPTEMBER:** Group 4 which is the last group of documents.

20 **CHAIRPERSON:** Yes.

**ADV VERUSCHKA SEPTEMBER:** At paragraph 34 you make reference to a particular email. Can I ask you to turn to page 117 of your bundle please?

**MS MARIJKE CHRISTINE DE KOCK:** Got that.

**ADV VERUSCHKA SEPTEMBER:** Is that the email that you refer to in paragraph 34?

**MS MARIJKE CHRISTINE DE KOCK:** Correct.

**ADV VERUSCHKA SEPTEMBER:** Of your affidavit? Thank you. The email which is at page 117 of your bundle marked S12 is from yourself.

**CHAIRPERSON:** I am sorry. In paragraph 34, paragraph 34 does not email that email other than the fact that it says it was sent on 8 August 2013 and I think there is a reference to confidential. Am I right to say paragraph 34 does not tell me where I would find that email?

**ADV VERUSCHKA SEPTEMBER:** Paragraph 34 does not expressly refer to page 117.

**CHAIRPERSON:** Yes. So that is not helpful. I think what you should do when you prepare a supplementary affidavit for Ms de Kock have a look at all things such as  
10 those so that when one comes to a particular paragraph one knows where to find what is referred to in that paragraph. For example if that paragraph had a reference that said that that email is found at page 117 or is marked MDK4 or something that would guide me. There might be a number of emails that had a date 8 August 2013. I do not know. It will just facilitate when one reads if there is a reference to some other document that one should have something that indicates how one will find or where one will find that document or how one will identify it or recognise it.

**ADV VERUSCHKA SEPTEMBER:** Thank you Chair. Advocate de Kock at page 117 of your bundle.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

20 **ADV VERUSCHKA SEPTEMBER:** Do you recognise this email?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**ADV VERUSCHKA SEPTEMBER:** Who is the author of this email?

**MS MARIJKE CHRISTINE DE KOCK:** It was sent from me.

**ADV VERUSCHKA SEPTEMBER:** And to whom was this email sent?

**MS MARIJKE CHRISTINE DE KOCK:** I sent it to Advocate Mokgatle.

**ADV VERUSCHKA SEPTEMBER:** And when was this email sent?

**MS MARIJKE CHRISTINE DE KOCK:** It was sent on 8 August 2013. According to that email on 01:46 pm.

**ADV VERUSCHKA SEPTEMBER:** And what is the subject title of this email?

**MS MARIJKE CHRISTINE DE KOCK:** The subject title is “Confidential Email: Bosasa, Gillingham, Mti and Others Racketeering Documents”.

**ADV VERUSCHKA SEPTEMBER:** And there appears to be referencing to attachments?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

10 **ADV VERUSCHKA SEPTEMBER:** For the record can you please identify or rather read into the record the description of the attachment?

**MS MARIJKE CHRISTINE DE KOCK:** Yes. The description of the attachment gives three separate attachments. The first one being Proposed Racketeering Memorandum, Bosasa and Others, 8 August 2013 doc. The second one Provisional Draft Charge Sheet Bosasa Racketeering doc and the third one being Provisional List of 149 Racketeering Activities POC and L Mti doc. These indicate that it is three word documents that were attached to that confidential email that I sent off to Advocate Mokgatle on 8 August 2013.

**ADV VERUSCHKA SEPTEMBER:** Thank you and then for the record can you please  
20 read the contents of this email into the record?

**MS MARIJKE CHRISTINE DE KOCK:** The email is addressed to Advocate Mokgatle. It is says:

“Dear Advocate Mokgatle, **confidential documents** as requested by the ANDPP.”

That is an abbreviation of the Acting National Director of Public Prosecutions.



“Attached please find a proposed draft racketeering memorandum, a preliminary and draft charge sheet (subject to evidence that is still outstanding such as the forensic audit report and electronic evidence as well as other statements that could have an impact on the wording of the proposed charge sheet), the list of 149 racketeering activities (incomplete and subject to further amendments) as well as a provisional draft charge sheet with (10 counts only). The final draft charge sheet may differ substantially from the proposed draft.”

10 That is the first paragraph. The second paragraph:

“The concerns about security of these documents have been raised with yourself earlier this week and will thus not be repeated in this email.”

This comment is addressed to Advocate Mokgatle and then the third paragraph.

“It is anticipated that the list of racketeering activities may double should the Bosasa and associated activities be added to the current – present list of activities.”

The fourth paragraph there:

20 “Kindly be informed that the investigation is still in progress and that potentially critical information must still be added to the documents that is submitted to you under cover of this email, best regards Advocate M C de Kock.”

**ADV VERUSCHKA SEPTEMBER:** Thank you. You note in this email specifically that the concerns about the security of these documents have been raised with yourself earlier this week.

**MS MARIJKE CHRISTINE DE KOCK:** That is.

**ADV VERUSCHKA SEPTEMBER:** Such being addressed to Mr Mokgatle?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** What con?

**MS MARIJKE CHRISTINE DE KOCK:** Chair.

**ADV VERUSCHKA SEPTEMBER:** Sorry for the interruption of word, what concerns about the security of documents did you have and why?

**MS MARIJKE CHRISTINE DE KOCK:** Chair at some time before this date my investigating officer informed me that the documents that we are preparing like the  
10 progress reports that I have referred to earlier that those documents are being leaked. So I had a meeting with my investigating officer. I said to him, there were two of them. ACTT Investigator, Colonel Kriel and there was I believe, I am not 100 percent sure, but from my recollection of the time period when this occurred there would also have been Brigadier Simon. Colonel Smit might also have been on the team at that point, but my recollection is that it was not one of them. That we were at least three in a meeting. So I said to them look who of you two are busy leaking out documents because it is not me and they said it is not us either. So I said well then who is leaking it. They said we cannot tell you. I said now how are we going to address this problem, because it could be very detrimental to the prosecution and the investigation of the matter seeing that  
20 the investigation is still in progress. How are we going to resolve this issue and the conclusion was that because we did not know who was leaking our documents that we could not do anything about this?

**CHAIRPERSON:** So when they said we cannot tell you, they meant that they did not know?

**MS MARIJKE CHRISTINE DE KOCK:** They did not.

**CHAIRPERSON:** Not that they knew but could not tell you?

**MS MARIJKE CHRISTINE DE KOCK:** No.

**CHAIRPERSON:** *Ja*.

**MS MARIJKE CHRISTINE DE KOCK:** It meant that they did not know.

**CHAIRPERSON:** They did not know.

**MS MARIJKE CHRISTINE DE KOCK:** They knew it was leaked.

**CHAIRPERSON:** *Ja*.

**MS MARIJKE CHRISTINE DE KOCK:** But they could not pinpoint the person or persons that were busy leaking our documents.

10 **CHAIRPERSON:** Yes, but did you hear about these leaks for the first time from them or one of them? In other words did they first tell you about that they were somebody was leaking these documents and you had not heard about these leaks before or did you hear about them from somebody else and then you confronted them?

**MS MARIJKE CHRISTINE DE KOCK:** No. The investigating officer informed me that the information they have available is that our documents are being leaked.

**CHAIRPERSON:** And the investigating officer was one of them?

**MS MARIJKE CHRISTINE DE KOCK:** *Ja*, I believe, I cannot be 100 percent sure because I am not sure about the time, but I believe it would have been Colonel Kriel, *ja*.

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

20 **ADV VERUSCHKA SEPTEMBER:** To follow up on that question how big was the team that you had at the time to assist you in your duties as Prosecutor of the matter during the time that you were assigned to the Bosasa matter?

**MS MARIJKE CHRISTINE DE KOCK:** Well I can start from the beginning in 2010. It was me and Colonel Kriel and then later on I am not sure in sequence, but I believe that Brigadier Simon, he was retired. He was roped in to assist Colonel Kriel and at a

later point Lieutenant Colonel Smit was added to the team and then Colonel Kriel retired. Brigadier Simon's contract was not renewed and the only remaining investigating officer at that point was Lieutenant Colonel Smit.

**CHAIRPERSON:** I see that in that email you say that, in the last paragraph, you inform Mr Mokgatle that the investigation is still in progress. Now am I correct that this email and the charge sheet, draft charge sheet, to which you refer were based on the SIU Report relating to Bosasa?

**MS MARIJKE CHRISTINE DE KOCK:** Yes. Our investigation started from the SIU Report.

10 **CHAIRPERSON:** Yes. That is what I want you to explain. So after the SIU Report had been handed over to the NPA.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** The NPA decided to; that there should be another investigation?

**MS MARIJKE CHRISTINE DE KOCK:** Ja, we embarked on our own investigation.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** With the SIU Report forming the background.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** And giving us the direction.

**CHAIRPERSON:** Yes.

20 **MS MARIJKE CHRISTINE DE KOCK:** Of which, you know, of our investigation.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** Pointing us in the right direction.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** On how to proceed with our investigation. What we could uncover as a result of our own investigations.

**CHAIRPERSON:** Would the decision to have your own investigation have been based on what you discovered in studying the SIU Report. For example discovering that there were gaps to be filled and that is why you made an investigation or would such an investigation be a routine step after you receive a report from a body such as the SIU?

**MS MARIJKE CHRISTINE DE KOCK:** Normally the SIU Reports are prepared for their own specific purposes being more written to civil.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** Proceedings.

**CHAIRPERSON:** Yes.

10 **MS MARIJKE CHRISTINE DE KOCK:** So in many instances.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** We will not retake a statement unless it is absolutely necessary.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** But if there is a good reason to retake a statement.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** Then we will do so.

20 **CHAIRPERSON:** But you, in other words, but you would do so to fill whatever gaps you feel there are in such a report for your purposes?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** Seeing that it was not necessary. It might not have been prepared for you as such, but for themselves.

**MS MARIJKE CHRISTINE DE KOCK:** The standard of the investigation.

**CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** Might not meet the criminal standard.

**CHAIRPERSON:** Yes. Yes, so that is where you would like to do further investigation to make sure that when you act, when you bring charges you are satisfied that the evidence you have will meet or does meet the criminal standard?

**MS MARIJKE CHRISTINE DE KOCK:** That is correct.

**CHAIRPERSON:** Yes that is the reasoning behind the further investigation.

**MS MARIJKE CHRISTINE DE KOCK:** *Ja*, it might also be as you have indicated that there might be gaps.

**CHAIRPERSON:** Yes, okay.

10 **MS MARIJKE CHRISTINE DE KOCK:** That we want to fill in because we must connect the dots.

**CHAIRPERSON:** Yes, yes.

**MS MARIJKE CHRISTINE DE KOCK:** *Ja*.

**CHAIRPERSON:** But it is not an unusual thing for the NPA to conduct its own investigation when another body has done a report, an investigation and prepared a report?

**MS MARIJKE CHRISTINE DE KOCK:** It is not unusual.

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

20 **ADV VERUSCHKA SEPTEMBER:** Thank you. You will note at the top of, still on the same page which is page 117 of your affidavit.

**MS MARIJKE CHRISTINE DE KOCK:** *Ja*.

**ADV VERUSCHKA SEPTEMBER:** You will note at the top in printed form is the number 017514?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**ADV VERUSCHKA SEPTEMBER:** Can you please explain to the Chair the

significance of that number?

**MS MARIJKE CHRISTINE DE KOCK:** Chair earlier I was asked to give the date on which I was removed from this investigation. Now that date being 29 February 2016. After that date I was asked to give a hand over report. I said but I have got documents that I can hand over that gives a chronological sequence of events similar to this 149 list. That sort of is a very, very good summary of the facts that we had at hand at that time, but the problem was that my notes were extensive. I had been working on the case since February 2010, because at that time in 2013 I was very concerned about our docket security. I was very concerned about our document security. We had heard

10 that Bosasa destroyed servers during the time of the SIU investigation. So document security, docket security and access to our documents were a priority to me. In fact I requested an investigating officer to prepare scan documents so that I would not work on the work on the originals. He complied with my request and provided me with colour scans. I told him that if I needed the document that I would request him to bring the original. Should it be that the scan document that I am working on not be sufficient for my purposes, but in general I worked on scan documents or photocopies of scanned records that were provided to me. So it is very difficult in an investigation of this dimension to give instructions to the investigating officer in written format, because I would have a stack of instructions and it takes a lot of time to type up the instructions.

20 So I had a working relationship with the investigating officer where I would on the original documents I would make notes for him and then I would hand over the documents and he would comply with my requests, sort out my problems that I had and obtain the necessary statements should it be required. Sometimes the problem or the notes that I made was just a misunderstanding and he could clarify that to me in a verbal with, in a conversation with me. So obviously we did not take that any further,

but as a result of the way that I worked my documents were for long, had a big volume. So when I was taken off the case I was concerned also about my notes. The next Prosecuting Team had asked for a hand over report. I said to them look at my summary of events and what I will do is my notes, my working papers that I would number the working papers and I would prepare an index and request them to sign for my working papers and then I asked them if they could keep my working papers secure. So I started numbering my documents and this specific document if you look at the number it is 017514. It means that this document is document 17 514. The final number was about 22 000 pages and there was another say 40 or so files that I did not  
 10 number, but I kept this hard copy of this document with this number 017514 and when they showed me Mr Agrizzi's documents I recovered this specific email to show that the three attachments that is in Mr Agrizzi's file actually comprised a single set of documents. That is the purpose why I want this document to be placed before the Commission, because it explains not only the background but also the fact that these documents fit together.

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

**ADV VERUSCHKA SEPTEMBER:** Is it correct then that you are the author of the three attachments which were attached to this email?

**MS MARIJKE CHRISTINE DE KOCK:** Correct.

20 **ADV VERUSCHKA SEPTEMBER:** Can I then, in fact for the record and before we move onto the next page I just wish to place on record that the red marking over the words may differ substantially was erroneously to my doing.

**CHAIRPERSON:** Please just repeat that.

**ADV VERUSCHKA SEPTEMBER:** I am just placing.

**CHAIRPERSON:** The three words that are red at page 117.



**ADV VERUSCHKA SEPTEMBER:** Yes, I erroneously made that particular marking.

**CHAIRPERSON:** Oh.

**ADV VERUSCHKA SEPTEMBER:** And it is not that of the witness.

**CHAIRPERSON:** Oh, okay. No that is fine. The attachments, you talk about three attachments to that email. Is it not?

**MS MARIJKE CHRISTINE DE KOCK:** Correct Chair.

**CHAIRPERSON:** Where are those? Where do I find those attachments?

**MS MARIJKE CHRISTINE DE KOCK:** Chair if you refer to just, you move just, skip one page, 118.

10 **CHAIRPERSON:** Hm.

**MS MARIJKE CHRISTINE DE KOCK:** 119, is.

**CHAIRPERSON:** Oh the ones that, in respect of whom you were readings the headings earlier on?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**CHAIRPERSON:** Racketeering and you read I think about three of them?

**MS MARIJKE CHRISTINE DE KOCK:** Yes the headings.

**CHAIRPERSON:** Is that right?

**MS MARIJKE CHRISTINE DE KOCK:** If you look at the top.

**CHAIRPERSON:** Yes.

20 **MS MARIJKE CHRISTINE DE KOCK:** Just below the mark you would see there are headings there.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** And they correspond, they might not fully correspond with the email header, because obviously I could not print the whole header into the name of the attachment.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** So the name of the attachment is just an indication of what the document was all about.

**CHAIRPERSON:** And does the document that appears between your email at page 117 and the document starting at page 119 does that document it looks like it's an email from you to Mr Mogatle dated 8 August 2013, was it also attached to the email at 117?

**MS MARIJKE CHRISTINE DE KOCK:** Okay, I can just explain the document that I originally handed up, this MCDK117, that was a hard copy, so at the time – at the time when I sent off these documents, remembering, just remember that I was seriously  
10 concerned about document security at the time, so in order for me to later have a recollection of when I informed my superior that we've got a problem I printed a copy of the email, and I kept that hard copy and when the Commission presented the documents to me I recognised the fact that these three documents are the attachments to my email. I then requested the IT Department of the Department of Justice to come to my office and use Mimecast to check my old emails and they recovered this document that is marked MCDK118, so you would see there the document date at the top, below, on top of that line it's dated Monday March 25<sup>th</sup> 2019 at 9:29 am. That was when the IT guy was at my office recovering the email, but the contents of the email below the line is the contents of the email, it's the same document, it's got the same  
20 contents as my document MCDK117.

**CHAIRPERSON:** Oh it is the same document.

**MS MARIJKE CHRISTINE DE KOCK:** Yes this is just the proof that the electronic document is still available on the NPA system and that we have a copy of it.

**CHAIRPERSON:** Okay, no that's fine, thank you.

**ADV VERUSCHKA SEPTEMBER:** If I can then take you to page 119.

**MS MARIJKE CHRISTINE DE KOCK:** Thank you I've got that.

**ADV VERUSCHKA SEPTEMBER:** Which continues until page 129.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** And if you can then look at page, or sorry just for record purposes this particular document is marked proposed memorandum, is that correct?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** And it's dated 8 August 2013 in the header above.

**MS MARIJKE CHRISTINE DE KOCK:** Exactly.

10 **ADV VERUSCHKA SEPTEMBER:** If I could then take you to page 130 of the same bundle.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Which continues until page 144.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** And it appears to be a multi-coloured document.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Okay. It is headed "In the Regional Court for the Gauteng Division held at Pretoria" and it appears to be from the next page, which is page 131.

20 **CHAIRPERSON:** I'm sorry on what page is it written in the whatever courts, where you're reading from?

**ADV VERUSCHKA SEPTEMBER:** Page 130.

**CHAIRPERSON:** I think you said it's one document, but I don't think so, it looks like the document starting at page 119 goes up to the top of the page 128 and then there is Ms de Kock's name and then something else starts, which may have belonged to –

maybe belonging together but looks like there's a memo and then there's a provisional draft authorisation, I don't know, later on I think you find the provisional draft charge sheet at page 130. Am I right, or did I misunderstand something? That is not one same document throughout is it?

**ADV VERUSCHKA SEPTEMBER:** No Chair the documents which start at page 119, which runs until the end of this bundle at page 172 comprises of three documents.

**CHAIRPERSON:** It's one document accommodating a number of things, one being a memo, another being a charge sheet, a draft sheet and maybe something else, is that right?

10 **ADV VERUSCHKA SEPTEMBER:** If I find ...(intervention)

**CHAIRPERSON:** Or maybe the author would know?

**MS MARIJKE CHRISTINE DE KOCK:** Yes, if I could assist.

**CHAIRPERSON:** Are we dealing with one document from page 119 or is it – it is one document but addressing different things?

**MS MARIJKE CHRISTINE DE KOCK:** Look the attachments to that email dated the 8<sup>th</sup> of August 2013 gives three attachments.

**CHAIRPERSON:** Yes, okay.

**MS MARIJKE CHRISTINE DE KOCK:** Okay so the ...(intervention)

**CHAIRPERSON:** The first one starting at 119.

20 **MS MARIJKE CHRISTINE DE KOCK:** The first one starts at 119 and it goes up until page 129, that is the proposed racketeering memorandum, at the top of the document.

**CHAIRPERSON:** Okay, yes.

**MS MARIJKE CHRISTINE DE KOCK:** At the top of the document in the header it would say proposed racketeering memorandum and it gives the date 8 August 2013 as well as the note confidential document.

**CHAIRPERSON:** Yes, okay.

**MS MARIJKE CHRISTINE DE KOCK:** So the next attachment would be – it's got the reference on page 117 is provisional draft charge sheet Bosasa Racketeering doc.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** So on page 130 that's the provisional draft charge sheet racketeering, if you – Chair if you look at the heading there.

**CHAIRPERSON:** Yes, I see that.

**MS MARIJKE CHRISTINE DE KOCK:** It says Provisional Draft Charge sheet racketeering as per the instruction of the Acting National Director of Public Prosecutions  
10 confidential, subject to amendments investigation still in progress and the date 8 August 2013.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** That identifies the second attachment.

**CHAIRPERSON:** Yes okay.

**MS MARIJKE CHRISTINE DE KOCK:** And that second attachment runs up until page 144.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** And then on page 145 up until the end of the bundle 172 the heading there is, in the email is "provisional list of 149 racketeering  
20 activities POC standing for Patrick O'Connell Gillingham and L Mti and it's a document, so if you look on the top on page MCDK145 the header information there is more comprehensive than the other documents but it says provisional list of racketeering activities, POC Gillingham plus L M Mti and then it says note this list is still incomplete and subject to amendments, draft document only, confidential, for attention of Advocate Mgoybi/Advocate Mosing and the Acting National Director of Public Prosecutions only

with the date 8 August 2013.

**CHAIRPERSON:** Okay, thank you.

**ADV VERUSCHKA SEPTEMBER:** If you may then start off with the first document which is titled proposed memorandum at page 119.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** If I can ask you to compare that document to the documents in the Agrizzi bundle, at page AA502.

**CHAIRPERSON:** That's Exhibit S1.

**ADV VERUSCHKA SEPTEMBER:** Yes Chair.

10 **MS MARIJKE CHRISTINE DE KOCK:** Chair I have compared page 119 with page 502, I believe they are identical except for the fact that the original document that was transmitted had highlighted information in yellow and if you look on the Agrizzi document, page 502 paragraph 1 would say on my document would say during 2009 (obtain the exact date). Now the date 2009 is highlighted in yellow.

**CHAIRPERSON:** Yes, I think one can see that in – at page 502, the date 2009 in the first line, and the date 2006 three lines down the page, and another 2006 there, one can tell that they were highlighted and in your document they are highlighted in yellow.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

20 **CHAIRPERSON:** And they are not in yellow at page 502 but one can see that they were highlighted.

**MS MARIJKE CHRISTINE DE KOCK:** Yes my conclusion from this is that the Agrizzi document AA502, was a photocopy of the highlighted documents.

**CHAIRPERSON:** Yes, yes thank you.

**ADV VERUSCHKA SEPTEMBER:** Thank you. Just for the record you studied the entire document in the Agrizzi bundle, and that is from page 502 to 511, is that correct?

**MS MARIJKE CHRISTINE DE KOCK:** Yes, that's correct.

**ADV VERUSCHKA SEPTEMBER:** Okay, if I can ask you to turn back to your bundle  
...(intervention)

**CHAIRPERSON:** And they are identical, you just said or you didn't say earlier on, or not really?

**MS MARIJKE CHRISTINE DE KOCK:** I think there's one page where there's a slight difference.

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

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

10 **CHAIRPERSON:** I'm sure she will draw our attention to it.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

**ADV VERUSCHKA SEPTEMBER:** Okay, if I can ask you to on page 119 of your bundle.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

**ADV VERUSCHKA SEPTEMBER:** Just identify what the purpose of the report was as it's referenced in the second last paragraph on that page, if you could read that into the record please.

**MS MARIJKE CHRISTINE DE KOCK:**

20                    "The purpose of this report is to refer in terms of Section 4 (1)(d) of the Act  
the evidence gathered by the SIU relative to the abovementioned contract  
which, in its view, points to the Commission of an offence by Bosasa and its  
affiliates and the persons mentioned in this report to the Acting National  
Director of Public Prosecutions ..."

I just see now I made a mistake, I said NDPP, the abbreviation there should have been  
ANDPP.

“...and further to advise (there’s also a spelling error) the DCS in terms of Section 57 of the Act that the evidence gathered by the SIU justifies the institution of legal proceedings by it against Bosasa and its affiliates and the persons mentioned in the report.”

**ADV VERUSCHKA SEPTEMBER:** Thank you.

**CHAIRPERSON:** And the Acting National Director of Public Prosecution at that time was who?

**MS MARIJKE CHRISTINE DE KOCK:** It was Advocate Jiba.

**CHAIRPERSON:** Okay and the DCS is reference to the Department of Correctional  
10 Services?

**MS MARIJKE CHRISTINE DE KOCK:** That is correct.

**CHAIRPERSON:** Okay.

**MS MARIJKE CHRISTINE DE KOCK:** If I can refer the Chair to page MCDK129.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** The Court will, sorry the Chair will see there at the bottom of the page below the list of names 27 at the bottom there I prepared the document and I’ve typed “I Nomgcobo Jiba Acting National Director of Public Prosecutions” so that was the, and at the bottom also a the place for the signatures refers to Acting National Director of Public Prosecutions, that I believe I can confirm  
20 that she was the Acting National Director at that time.

**CHAIRPERSON:** Okay.

**ADV VERUSCHKA SEPTEMBER:** Is it correct then that this document was accordingly prepared for the Acting National Director of Public Prosecutions at the time, Nomgcobo Jiba?

**MS MARIJKE CHRISTINE DE KOCK:** Yes it was, I believe the final recipient of this



document would be Advocate Jiba

**ADV VERUSCHKA SEPTEMBER:** Thank you. If I can then take you to the second document quickly which starts at page 130 of your bundle.

**MS MARIJKE CHRISTINE DE KOCK:** I've got that.

**ADV VERUSCHKA SEPTEMBER:** There lists several accused totalling 27.

**MS MARIJKE CHRISTINE DE KOCK:** Correct Chair.

**ADV VERUSCHKA SEPTEMBER:** For the record can I ask you to please read the accused listed in this draft, provisional draft charge sheet please which is dated 8 August 2013.

- 10 **MS MARIJKE CHRISTINE DE KOCK:** Okay the list starts the first person that I anticipated would be an accused in the matter would be Patrick O'Connell Gillingham, accused number one, Chair sometimes I changed the names the sequence of the names around, in this specific document I was still intending to make Mr Gillingham my accused 1. Accused number 2 was Linda Maurice Mti, accused 3 would have been Mr Angelo Agrizzi, accused number 4 would have been Mr William Daniel Mansell, accused 5 would have been Mr Riaan Rekele Hoeksma.

**CHAIRPERSON:** I'm sorry, Ms September I don't know if there's any significance in her mentioning who would be accused number what other than just mentioning the persons and the entities.

- 20 **ADV VERUSCHKA SEPTEMBER:** As it pleases Chair.

**CHAIRPERSON:** Ja, maybe you can just read the names of all the people, or persons or entities that you intended to charge ja.

**MS MARIJKE CHRISTINE DE KOCK:** Okay I stopped with Mr Jurgen George Smith, the next one would Gavin Joseph Watson, and one below that Carlos Yao Decosta, M Bonnifacio, Andries Johannes J Van Tonder, Frans Hendrick Steyn Vorster. Then we

start with the entities, Bosasa Operations Pty Limited, Sondolo IT Pty Limited, Bezulu Fencing Pty Limited, on the next page Concilium Property CC, Concilium Business Consultants Pty Limited, Concilium Management Services Pty Limited, Autumn Storm Investments 119 Pty Limited, Rekele Construction BK, that's the Afrikaans abbreviation for a CC, RRH Property Development Pty Limited, Hoeksma Broers BK, Labonke Trading CC, Rand Bricks Pty Limited, Rappi Trade 273 Pty Limited, Diragga Trust, Hoeksma Family Trust, Grandefor Property Trust and the last one W D & J Mansell t/a Grandefor Ranches.

Chair I would just like to point out even though this list entails 27 entities it  
10 must obviously be read with the heading of the document to say that this is provisional, that it is confidential and that the investigation was still in progress. This is a serious draft document.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** It was not meant to be final, it was provisional, it was subject to amendments.

**CHAIRPERSON:** But it was whoever was listed here that had been taken on the basis of some thought going into what you believed was their role?

**MS MARIJKE CHRISTINE DE KOCK:** Correct Chair.

**CHAIRPERSON:** It wasn't just a random picking of names?

20 **MS MARIJKE CHRISTINE DE KOCK:** No Chair.

**CHAIRPERSON:** And I see that you do – you had intended to charge to include among the accused Mr Gavin Joseph Watson, and you intended to have him at that time as accused number 7?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**CHAIRPERSON:** He was to be included as far as you were concerned at that stage?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**CHAIRPERSON:** Okay, thank you.

**ADV VERUSCHKA SEPTEMBER:** Thank you. Is it correct that your colour used in this particular document accords with the same colour used in your previous documents?

**MS MARIJKE CHRISTINE DE KOCK:** Ja, it's also the indication is that if colours were used they meant things.

**CHAIRPERSON:** Mmm, just for your purposes.

**MS MARIJKE CHRISTINE DE KOCK:** For my purposes.

10 **ADV VERUSCHKA SEPTEMBER:** Can I then just ask you quickly to leave that document open at page 130 and open up the document in the Agrizzi bundle at page AA513 which continues to page 527.

**MS MARIJKE CHRISTINE DE KOCK:** I've got that.

**ADV VERUSCHKA SEPTEMBER:** What is your observation in relation to these two documents?

**CHAIRPERSON:** What page in Exhibit S1?

**ADV VERUSCHKA SEPTEMBER:** It is page 513.

**CHAIRPERSON:** Okay.

**ADV VERUSCHKA SEPTEMBER:** Which continues to page 527.

20 **CHAIRPERSON:** Okay.

**MS MARIJKE CHRISTINE DE KOCK:** The heading of the document is identical, the reference to the Regional Court in both documents are identical and the list of suspects on, even though they're referred hereto as accused that was just, I mean that's just our paperwork. It goes up until the number 13 on both documents.

**ADV VERUSCHKA SEPTEMBER:** If I can then take ...(intervention)

**CHAIRPERSON:** I'm sorry what goes up to number 13?

**MS MARIJKE CHRISTINE DE KOCK:** The suspects.

**CHAIRPERSON:** Is that on page 513 and page 131?

**MS MARIJKE CHRISTINE DE KOCK:** 130 and 513.

**CHAIRPERSON:** Oh you say they end – they start and end the same way.

**MS MARIJKE CHRISTINE DE KOCK:** Yes, and they've got, it's the same, it's identical the two documents except for the colour.

**CHAIRPERSON:** Yes, okay.

**ADV VERUSCHKA SEPTEMBER:** But have you satisfied yourself that the entire  
10 document that found its way into the hands of Mr Angelo Agrizzi is the same as the document you have?

**MS MARIJKE CHRISTINE DE KOCK:** I think there's one page, I'm just trying to find it where there's a line – but I'm not sure if it's on this one or the previous one.

**ADV VERUSCHKA SEPTEMBER:** In fact it is at page – if you can just bear with me, it's at page 164 and we're talking then to the next document.

**MS MARIJKE CHRISTINE DE KOCK:** Okay, now these documents are identical Chair.

**CHAIRPERSON:** Thank you.

**ADV VERUSCHKA SEPTEMBER:** Then on the last document which in your bundle is at page 145.

20 **MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** And it continues to page 172.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Do you have any comments in relation to this document?

**MS MARIJKE CHRISTINE DE KOCK:** Both documents have got the same heading.

**ADV VERUSCHKA SEPTEMBER:** If I can just interrupt you then for the benefit of comparison I then ask you to open the page, or rather the document in the Agrizzi bundle file which starts at page 528, and which then continues to page 555.

**MS MARIJKE CHRISTINE DE KOCK:** Thank you.

**ADV VERUSCHKA SEPTEMBER:** Do you have any comments to these two documents?

**MS MARIJKE CHRISTINE DE KOCK:** Chair I believe that except for the one problem which I will explain that these documents are also identical, the Court can also see that on Mr Agrizzi's document AA528, even though it's a little bit fainter than the previous  
10 document you can also see that the date, 2003, the three meal system and the date 10 May 2004 has got that highlighted appearance on the documents, if you copy them.

**ADV VERUSCHKA SEPTEMBER:** To address your concern can I quickly take you to page 164 of your bundle.

**MS MARIJKE CHRISTINE DE KOCK:** I've got that.

**ADV VERUSCHKA SEPTEMBER:** Which is S12, and compare it to page 547.

**MS MARIJKE CHRISTINE DE KOCK:** Sorry?

**ADV VERUSCHKA SEPTEMBER:** 547 of the Agrizzi bundle.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

**ADV VERUSCHKA SEPTEMBER:** At the bottom of the page on your bundle page 164  
20 there appears to be a line missing as compared to page 547 of the Agrizzi bundle, is that correct.

**MS MARIJKE CHRISTINE DE KOCK:** That is correct.

**ADV VERUSCHKA SEPTEMBER:** And if one turns the page over in your bundle to page 165 and similarly ...(intervention)

**CHAIRPERSON:** I'm sorry, on which page is a line missing, is it 164 or the one, the

page you are going to now?

**ADV VERUSCHKA SEPTEMBER:** On page 164.

**CHAIRPERSON:** Ja, is that the page on which there is a line missing?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**ADV VERUSCHKA SEPTEMBER:** But it's through the witness.

**CHAIRPERSON:** Yes Ms de Kock?

**MS MARIJKE CHRISTINE DE KOCK:** Can I explain, what I did is if you look at my page 164?

**CHAIRPERSON:** Yes.

10 **MS MARIJKE CHRISTINE DE KOCK:** It says in that block, which is printed in green, it says note.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** Now that was a note meant for myself or for my investigating officer.

**CHAIRPERSON:** At the time.

**MS MARIJKE CHRISTINE DE KOCK:** At the time.

**CHAIRPERSON:** Yes.

20 **MS MARIJKE CHRISTINE DE KOCK:** So what I did is I would type a paragraph and then there's a function on your computer which you can say put an outline around that paragraph.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** That's just to indicate that it's not part of the activities but that it's a note.

**CHAIRPERSON:** So it's just to bring something to your attention.

**MS MARIJKE CHRISTINE DE KOCK:** Yes exactly.

**CHAIRPERSON:** For later consideration.

**MS MARIJKE CHRISTINE DE KOCK:** Exactly.

**CHAIRPERSON:** Okay.

**MS MARIJKE CHRISTINE DE KOCK:** So what happens if you – what happened here is on my document 164 to 165 apparently, it would appear as if I had one spacing too many and then the bottom line of that block jumped over to the next page which is 165, but on Mr Agrizzi's document it would appear as if I corrected that and the line was on the correct page so that the block was complete.

10 **CHAIRPERSON:** But on my page 164 your note at the bottom doesn't go up to the next page.

**MS MARIJKE CHRISTINE DE KOCK:** No, no it's just the line that jumps over to the next page, the full note is there.

**CHAIRPERSON:** When you say line the black line that – the black line that is - that goes on the sides and just above the first line of the note, the black line?

**MS MARIJKE CHRISTINE DE KOCK:** Yes, if I can explain on my page 164 the line looks a U, the black lines look like a U but the bottom part is cut off, there's nothing there, so it's three quarters complete.

20 **CHAIRPERSON:** There's above the note there is a horizontal line, is that right? And then on the sides there are vertical lines but it's one line, there's a corner, it's like it was going to be a square.

**MS MARIJKE CHRISTINE DE KOCK:** Yes exactly.

**CHAIRPERSON:** But it misses, it's without another horizontal line that should have been at the bottom, is that right?

**MS MARIJKE CHRISTINE DE KOCK:** Well actually a rectangle.

**CHAIRPERSON:** A rectangle ja, I was actually thinking about the right word.

**MS MARIJKE CHRISTINE DE KOCK:** But you're correct the bottom line  
...(intervention)

**CHAIRPERSON:** Yes it was going to be, it looks like it was going to be a rectangle but what doesn't make it a rectangle is that the bottom part which would have been a horizontal line is not there.

**MS MARIJKE CHRISTINE DE KOCK:** Exactly Chair.

**CHAIRPERSON:** But other than that it has got everything that it would have needed to be a rectangle.

**MS MARIJKE CHRISTINE DE KOCK:** Exactly and the contents of that page also  
10 corresponds with AA547.

**CHAIRPERSON:** Yes, so what you are saying is that the difference between your page 164 and page 157 in Exhibit S1 which Ms September has been calling the Agrizzi bundle, the difference in regard to the page is that in Exhibit S1 the line that is missing, the horizontal line that is missing beneath your note at page 164 has been put in or is there.

**MS MARIJKE CHRISTINE DE KOCK:** It's there.

**CHAIRPERSON:** Ja, so it's a complete rectangle.

**MS MARIJKE CHRISTINE DE KOCK:** It's now a complete rectangle ja.

**CHAIRPERSON:** Yes, yes, okay no that's fine.

20 **MS MARIJKE CHRISTINE DE KOCK:** What I assume and I mean I will have to investigate that, is that at the time this document was in the process of being emailed I could have observed that that rectangle is not complete and you just delete one line and it jumps back and it completes the rectangle.

**CHAIRPERSON:** Yes, okay. Other than that it is identical.

**MS MARIJKE CHRISTINE DE KOCK:** It appears to me to be identical yes.



**CHAIRPERSON:** Yes, okay.

**ADV VERUSCHKA SEPTEMBER:** Thank you Chair. It is therefore your evidence that all three of these attachments or rather documents which found its way into the hands of Mr Angelo Agrizzi are identical to the documents that he presented to this Commission, save for that one particular difference?

**MS MARIJKE CHRISTINE DE KOCK:** Yes well the bottom line is I can confirm it is my documents.

**CHAIRPERSON:** Yes and do you confirm that by – you arrive at that conclusion because after you have been shown documents that you were told were supplied to this  
10 commission by Mr Agrizzi you went to your computer and had a look and you found documents that are mostly identical to them in your own computer and those were documents that you knew about because you had prepared them and either you had sent them yourself to the people who were the addressees or you had given them to Mr Mokgatle and he had used them to send them to certain people.

**MS MARIJKE CHRISTINE DE KOCK:** Exactly.

**CHAIRPERSON:** That is how you – that is how you came to the conclusion that they are the same documents that you had either sent to Mr Mokgatle or you had – ja you had sent to Mr Mokgatle or you had sent them to other people who were addressees?

**MS MARIJKE CHRISTINE DE KOCK:** Exactly Chair.

20 **CHAIRPERSON:** Yes. And that is the case with each and every one of the documents that you have dealt with in your affidavit?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**CHAIRPERSON:** Thank you.

**ADV VERUSCHKA SEPTEMBER:** Thank you Chair. Despite the repeated warnings and the precautions that you took the leaking of these documents eventually found it

way into the hands of Mr Angelo Agrizzi, is that correct?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Do you know how...

**CHAIRPERSON:** Yes hang on one second. Just to make sure. That they found their way into Mr Agrizzi's – Mr Agrizzi is what you have been told otherwise you have no independent confirmation of that? You just know that these documents came from your computer?

**MS MARIJKE CHRISTINE DE KOCK:** Well I was shown a set of documents.

**CHAIRPERSON:** Yes.

10 **MS MARIJKE CHRISTINE DE KOCK:** And I was told by the staff of the commission.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** That these were the documents that Mr Agrizzi presented.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** To the commission.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** And I was asked if I could identify them.

**CHAIRPERSON:** Yes, yes.

20 **MS MARIJKE CHRISTINE DE KOCK:** And then I went to my computer and some I could find independently.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** Without assistance.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** Some I had some assistance to recover.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** But I can confirm.

**CHAIRPERSON:** Ja.

**MS MARIJKE CHRISTINE DE KOCK:** That I am the author.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** Of these documents.

**CHAIRPERSON:** Yes, yes. No I just wanted to make sure that the record should not read like you have personal knowledge that they did reach him. It is what you have been told that he presented them.

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

10 **CHAIRPERSON:** Ja thank you.

**ADV VERUSCHKA SEPTEMBER:** Thank you Chair. Do you know how these documents landed in the hands of Mr Angelo Agrizzi?

**MS MARIJKE CHRISTINE DE KOCK:** No Chair. I can just say that these were the documents – the documents in my file were the documents that left my possession.

**ADV VERUSCHKA SEPTEMBER:** Okay and then can I quickly take you to page 13 of your affidavit. Sorry page 12 of your affidavit.

**MS MARIJKE CHRISTINE DE KOCK:** Yes I have got that.

**ADV VERUSCHKA SEPTEMBER:** And can you confirm that from paragraphs 47 until paragraph 60.

20 **MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Deals with authentication and identification marks in relation to these documents?

**MS MARIJKE CHRISTINE DE KOCK:** Yes I confirm that.

**ADV VERUSCHKA SEPTEMBER:** Thank you. And then if I can take you to page 17 of your affidavit.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**ADV VERUSCHKA SEPTEMBER:** Paragraph 65 until paragraph 67 on page 27.

**MS MARIJKE CHRISTINE DE KOCK:** Paragraph?

**ADV VERUSCHKA SEPTEMBER:** 67 on page 27.

**MS MARIJKE CHRISTINE DE KOCK:** 27 – 67 yes.

**ADV VERUSCHKA SEPTEMBER:** Yes. That those paragraphs deal with the identification and authentication of the Group 1 documents, the Group 2 documents and the Group 3 documents?

**MS MARIJKE CHRISTINE DE KOCK:** Group 1 – no Group 1 is from page MCDK017  
10 to 021 and then Group 2 starts on MCDK022 and it goes up until

**CHAIRPERSON:** 27 at the top.

**MS MARIJKE CHRISTINE DE KOCK:** 27 at the top yes. And then it is Group 3 and Group 4.

**ADV VERUSCHKA SEPTEMBER:** Thank you very much. And then lastly what was the legal status of all of these documents that you have considered which eventually found its hands into – which eventually found itself into the hands of Mr Angelo Agrizzi?

**CHAIRPERSON:** Do you want her now to speak as a prosecutor as opposed to just a witness?

**ADV VERUSCHKA SEPTEMBER:** Okay I will correct my question.

20 **CHAIRPERSON:** Well maybe if – well if that is something she can answer that is fine but you know just have to bear in mind she is just a witness but she is a prosecutor of course.

**ADV VERUSCHKA SEPTEMBER:** In your knowledge...

**CHAIRPERSON:** Yes.

**ADV VERUSCHKA SEPTEMBER:** If I could perhaps rephrase.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

**ADV VERUSCHKA SEPTEMBER:** In your knowledge and experience.

**MS MARIJKE CHRISTINE DE KOCK:** Ja.

**ADV VERUSCHKA SEPTEMBER:** What is the status of the documents that you have considered which found itself into the hands of Mr Angelo Agrizzi?

**MS MARIJKE CHRISTINE DE KOCK:** Well they were all prelim – most of them were preliminary documents or provisional or extracts and clearly my intention was that this was a work in progress...

**CHAIRPERSON:** They were to be finalised at a later stage?

10 **MS MARIJKE CHRISTINE DE KOCK:** Ja they were all preliminary.

**CHAIRPERSON:** Ja.

**ADV VERUSCHKA SEPTEMBER:** Were they confidential documents?

**MS MARIJKE CHRISTINE DE KOCK:** They were all con... - well the ones that – they were all confidential in the sense that the NPA's work is confidential. But in addition to the normal confidentiality of our documents I have added an extra precaution by marking them confidential. That was with the intention that any person who would find himself in possession of these documents would be warned that these are confidential NPA documents and that the minimum Information Security Act Provisions would apply to those documents. That would – if I were to receive a document sent to me marked  
20 confidential it would place an additional burden on me to make sure that I treat these documents with more care than I would normally deal with them if they were not specifically marked confidential.

**CHAIRPERSON:** But there is obviously nobody within the NPA who would have given them to a suspect or one of the suspects or somebody affected by the investigation without knowing that they should not do that. Everyone within the NPA who could have

taken them out and given them to for example a Bosasa official would have been knowing that that was wrong?

**MS MARIJKE CHRISTINE DE KOCK**: Definitely.

**CHAIRPERSON**: Without having to be told by anybody that it was – that this was confidential?

**MS MARIJKE CHRISTINE DE KOCK**: Yes Chair.

**ADV VERUSCHKA SEPTEMBER**: Thank you Chair. What is the importance of these documents to a potential accused person?

10 **MS MARIJKE CHRISTINE DE KOCK**: Well Chair if you look at the information contained in these documents for instance just the list of possible suspects. I mean we are busy with an investigation this is in August 2013. We still busy with the investigation that document states that it is provisional. That we working on it – that we – it is still in progress. The manner in which my document is drafted indicates that some of the information still needs to be followed up on or I give notes or instructions to my investigating officer. So clearly this could have harmed the investigation.

**CHAIRPERSON**: Yes.

**ADV VERUSCHKA SEPTEMBER**: In your knowledge and experience was the leakage of these documents random?

In your knowledge and experience was the leakage of these documents random?

20 **MS MARIJKE CHRISTINE DE KOCK**: No.

**ADV VERUSCHKA SEPTEMBER**: Why do you say so?

**MS MARIJKE CHRISTINE DE KOCK**: Well I drafted many reports and some of them if I were to look at them from a legal perspective would not have helped or not have assisted a suspect. But these documents were – would definitely have benefited a suspect if he could lay his hands on them. Even though they were provisional and even

though they were marked draft some other documents would have had less value from a person perhaps wanting to prepare a defence to these charges. For instance I can give an example. If I drafted a document to say that we have obtained 80 statements it would just say since the last progress report another 20 or 30 statements have been obtained. But it would not give a name to the person from whom the statement has been obtained. So you would – what can you really do with that? You can know that the investigation is making progress but you will not be able to identify the individuals involved. So this is a – I was really upset when I saw the documents that they presented to us.

- 10 **CHAIRPERSON**: And when the documents were shown to you by the personnel from the commission was that for the first time that you were getting to see that indeed particular documents had been leaked other than just hearing in general that documents were being leaked?

**MS MARIJKE CHRISTINE DE KOCK**: Yes I did not – I read the newspaper reports about Mr Agrizzi's testimony and I know that he handed over certain documents.

**CHAIRPERSON**: Yes.

**MS MARIJKE CHRISTINE DE KOCK**: But the first time I saw them was when they were made available to me.

**CHAIRPERSON**: Okay.

- 20 **ADV VERUSCHKA SEPTEMBER**: Stated differently did anyone outside of the National Prosecuting Authority have rights to access these documents?

**MS MARIJKE CHRISTINE DE KOCK**: No I think it would all have been unlawful.

**ADV VERUSCHKA SEPTEMBER**: And then lastly did you give anyone permission to share your documents with anyone outside of the National Prosecuting Authority

**MS MARIJKE CHRISTINE DE KOCK**: No.

**ADV VERUSCHKA SEPTEMBER:** For whatever – whatsoever reason?

**MS MARIJKE CHRISTINE DE KOCK:** No.

**ADV VERUSCHKA SEPTEMBER:** I have no further questions for this witness.

**CHAIRPERSON:** You did say that you did raise your concerns about documents that were being leaked from the NPA?

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** I cannot remember whether you said you raised that with Mr Mokgatle or with Mr Mrwebi?

**MS MARIJKE CHRISTINE DE KOCK:** Well I raised it with Mr Mokgatle and it is  
10 confirmed with the information you find on that email.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** Do you know whether that concern went beyond Mr Mokgatle in terms of the hierarchy at the NPA?

**MS MARIJKE CHRISTINE DE KOCK:** Sir if – Chair if that email was forwarded to the relevant people who were supposed to have received them the email speaks for itself and the attachments was attached to this. I cannot when it leaves my office I cannot say if it eventually arrived or the person read the email. But if the person received the email I am sure he would have read the message and he would have understood my  
20 concerns.

**CHAIRPERSON:** Did...

**MS MARIJKE CHRISTINE DE KOCK:** I also at a different time raised my concerns about other issues with the acting National Director of Public Prosecutions.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** I have indicated – we have indicated in my



statement that I will perhaps...

**CHAIRPERSON**: Prepare...

**MS MARIJKE CHRISTINE DE KOCK**: Prepare a more ...

**CHAIRPERSON**: Fuller.

**MS MARIJKE CHRISTINE DE KOCK**: A fuller ...

**CHAIRPERSON**: Statement.

**MS MARIJKE CHRISTINE DE KOCK**: Affidavit on those issues.

**CHAIRPERSON**: Yes.

**MS MARIJKE CHRISTINE DE KOCK**: And this will obviously link to what I am saying

10 in this affidavit.

**CHAIRPERSON**: Yes.

**MS MARIJKE CHRISTINE DE KOCK**: But it is not part of this affidavit yet.

**CHAIRPERSON**: Yes. So – but as far as you know was anything ever done to address this concern that you raised about documents from the NPA relating to the Bosasa matter being leaked?

**MS MARIJKE CHRISTINE DE KOCK**: To be honest Chair the attitude that I get is that if I mark a document confidential or I mark it secret and I put in an envelope and I seal that envelope and I want to have it hand delivered to the – to our head office in Silverton they tell me that that I am too concerned about document security.

20 **CHAIRPERSON**: That is what – that is what was being said at that time.

**MS MARIJKE CHRISTINE DE KOCK**: No it was recent.

**CHAIRPERSON**: Or is that still?

**MS MARIJKE CHRISTINE DE KOCK**: It was recently said to me.

**CHAIRPERSON**: Is that so?

**MS MARIJKE CHRISTINE DE KOCK**: Yes.

**CHAIRPERSON:** And did that reflect what was being said even then?

**MS MARIJKE CHRISTINE DE KOCK:** The attitude was that I am sort of crazy.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** And that I am paranoid about my documents, my docket. People having access to my documents. It was at the time I was seriously concerned about this case. I understood that it is a case of big magnitude and that I was protecting my docket.

**CHAIRPERSON:** Yes, yes.

**MS MARIJKE CHRISTINE DE KOCK:** And I was criticised for that behaviour.

10 **CHAIRPERSON:** Yes. And that is what every prosecutor should do is need every official within the NPA involved in – with any docket they should protect its confidentiality.

**MS MARIJKE CHRISTINE DE KOCK:** Ja I – as a rule commercial in commercial matters if the risk – if there is a risk in ordinary prosecutions the risk is probably ten times worse in commercial matters. That is why as a rule I do not work with original documents because of the risk of them going missing. And I think if you ask any commercial prosecutor they would tell you the same because they are aware of that risk.

**CHAIRPERSON:** And after your experience or after you understood that some  
20 documents relating to the Bosasa matter were being leaked did you begin to take greater precautionary measure in regard to the security or confidentiality of dockets.

**MS MARIJKE CHRISTINE DE KOCK:** Yes.

**CHAIRPERSON:** Or in other words did that increase your concern in terms of the measures you were taking as opposed to before you had this experience?

**MS MARIJKE CHRISTINE DE KOCK:** Yes Chair.

**CHAIRPERSON:** Yes. Okay thank you. Anything arising? Not really.

**ADV VERUSCHKA SEPTEMBER:** Unless the Chair has any further questions?

**CHAIRPERSON:** No

**ADV VERUSCHKA SEPTEMBER:** We have no further questions for this witness.

**CHAIRPERSON:** Okay alright and you will remember to attend to a supplementary affidavit.

**ADV VERUSCHKA SEPTEMBER:** Yes Chair.

**CHAIRPERSON:** And I think somebody must just go through everything and make sure that at least if one looks – reads the supplementary affidavit it will direct one to the  
10 relevant document or annexure that is referred to in any particular paragraph. So it is going to be easy to find those documents or annexures.

**ADV VERUSCHKA SEPTEMBER:** Yes Chair.

**CHAIRPERSON:** Thank you very much Ms De Kock but I must just ask the further affidavit that you are working on or are about to start working on what is your estimate of when it might be available to the commission because I get the impression it may be very important to the commission?

**MS MARIJKE CHRISTINE DE KOCK:** Chair the problem I have is the following: I was involved in the case for approximately six years. I have got as I indicated I have got the notes that is 22000 pages. My memory, independent memory of these events is not  
20 good anymore.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** So I would not like to convey information to the commission that might ...

**CHAIRPERSON:** That might not be correct.

**MS MARIJKE CHRISTINE DE KOCK:** That might not be correct.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** So I am looking for the documents.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** That would support what I say in my statement.

**CHAIRPERSON:** Yes, yes.

**MS MARIJKE CHRISTINE DE KOCK:** So that is why it is going to take a little bit of time for me to prepare it because I feel it is my duty not as a – not only as a prosecutor

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** But also as a citizen of this country.

10 **CHAIRPERSON:** Yes, yes.

**MS MARIJKE CHRISTINE DE KOCK:** To assist the commission.

**CHAIRPERSON:** Yes, yes.

**MS MARIJKE CHRISTINE DE KOCK:** So I want to do that to the best of my ability.

**CHAIRPERSON:** Yes, yes.

**MS MARIJKE CHRISTINE DE KOCK:** And if that takes a little bit of time I am sure the commission will bear with me.

**CHAIRPERSON:** Yes.

**MS MARIJKE CHRISTINE DE KOCK:** For me to just prepare that. I will try and do it as soon as I can and finalise it.

20 **CHAIRPERSON:** Yes. No, no that is fine and if – if there is anywhere where the commission's investigators or the commission's legal team can be of assistance please feel free to talk to them and they will willing assist.

**MS MARIJKE CHRISTINE DE KOCK:** Thanks Chair.

**CHAIRPERSON:** Yes but thank you very much for coming to give evidence and thank you very much also for appreciating the need to give support and assistance to this

commission by planning to work on the further affidavit that you are going to work on. I really appreciate that.

**MS MARIJKE CHRISTINE DE KOCK:** Thanks Chair.

**CHAIRPERSON:** Thank you very much you are excused.

**MS MARIJKE CHRISTINE DE KOCK:** Thank you Chair.

**CHAIRPERSON:** Thank you. We have come to the end of today's proceedings. We are not going to have a sitting tomorrow nor will we have a sitting on Thursday but we will have a sitting on Friday and we will start at ten o'clock. Mr Pretorius thank you.

**ADV VERUSCHKA SEPTEMBER:** Thank you Chair.

10 **CHAIRPERSON:** Do – well we already previously announced who will give evidence on Friday is it not in the past, last week?

**ADV PAUL JOSEPH PRETORIUS SC:** We have not to my recollection announced the name but ...

**CHAIRPERSON:** We – I thought when we had reason to adjourn I thought we mentioned but it may be we should not mention again.

**ADV PAUL JOSEPH PRETORIUS SC:** Yes anyone curious can look into the transcripts.

**CHAIRPERSON:** We will – we will have – we will have a sitting on Friday and there will be a witness who will give evidence. I think that I – we may have mentioned but if – if  
20 we did not we are not going to do so now. But if we did mention and people have got good memories that is fine.

**ADV PAUL JOSEPH PRETORIUS SC:** Thank you Chair.

**CHAIRPERSON:** We will adjourn then until Friday.

**ADV PAUL JOSEPH PRETORIUS SC:** Thank you Chair.

**CHAIRPERSON:** We adjourn.

**INQUIRY ADJOURNS**