

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

PARKTOWN, JOHANNESBURG

10

25 JULY 2019

DAY 140

20

PROCEEDINGS RESUME ON 25 JULY 2019

CHAIRPERSON: Good morning Ms Butheleze, good morning everybody.

ADV ZINHLE BUTHELEZI: Good morning DCJ.

CHAIRPERSON: Are you ready?

ADV ZINHLE BUTHELEZI: Yes we are.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI: DCJ

CHAIRPERSON: Let us start.

10 **ADV ZINHLE BUTHELEZI:** DCJ our witness today is Mr Doctor Radebe. He is a former DA councillor for Phumelele Municipality in Vrede. His evidence deals with the acquisition of Phumelele Municipality land by the Estina Dairy Project.

CHAIRPERSON: Okay, alright thank you.

ADV ZINHLE BUTHELEZI: May I ask that the witness be sworn in?

CHAIRPERSON: Ja. Please administer the oath of affirmation.

REGISTRAR: Please state your full names for the record?

MR ALBERT DOCTOR RADEBE: My name is Albert Doctor Radebe.

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

20 **MR ALBERT DOCTOR RADEBE:** No.

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

MR ALBERT DOCTOR RADEBE: Yes.

REGISTRAR: Do you swear that the evidence you will give will be the truth?

MR ALBERT DOCTOR RADEBE: Yes.

REGISTRAR: The whole truth and nothing but the truth if so please raise your right hand and say, so help me God.

MR ALBERT DOCTOR RADEBE: So help me God.

CHAIRPERSON: Thank you.

ADV ZINHLE BUTHELEZI: Thank you Chair.

CHAIRPERSON: You may proceed.

ADV ZINHLE BUTHELEZI: Chair Mr Radebe's bundle is marked HH6.

CHAIRPERSON: The file containing the statement by Mr Albert Doctor
10 Radebe will be marked Exhibit HH6.

ADV ZINHLE BUTHELEZI: Thank you. Mr Radebe would you please turn into Exhibit HH6 page 1 to page 6. Do you confirm that is the statement that you made for the commission?

MR ALBERT DOCTOR RADEBE: Yes I do.

ADV ZINHLE BUTHELEZI: Would you please bring the microphone a little bit closer to you. Thank you. And the signature that appears on page 6 of this document, do you confirm that is your signature?

MR ALBERT DOCTOR RADEBE: Yes it is my signature.

ADV ZINHLE BUTHELEZI: Thank you Mr Radebe. Mr Radebe would
20 you please tell us where do you live and what do you do for a living?

MR ALBERT DOCTOR RADEBE: Well I live in Vrede I am an emerging farmer around the area of Vrede that is where I farm.

ADV ZINHLE BUTHELEZI: Thank you. And tell us about your involvement with the municipality in 2012?

MR ALBERT DOCTOR RADEBE: Well I was a sitting councillor in 2012

in the Phumelele Municipality which is made up of three units. Vrede, Memel and Warden.

ADV ZINHLE BUTHELEZI: And which organisation were you representing in the council?

MR ALBERT DOCTOR RADEBE: I was representing the Democratic Alliance.

ADV ZINHLE BUTHELEZI: Yes. In your statement you tell us about the event that took place on the 19 June of 2012 during a council meeting. Would you please elaborate on what happened on that day?

10 **MR ALBERT DOCTOR RADEBE:** Well it was supposed to be an ordinary council meeting at around in the morning. Then the then MEC for Agriculture Mr Mosebenzi Zwane came with his crew from the Department of Agriculture and they have a discussion with the ruling party which is the ANC. That is where they ask us as a DA to delay the council with two hours so that they can re-represent us with the proposal from the Department of Agriculture to maybe to – for the council to lease them land of or for agricultural purpose.

ADV ZINHLE BUTHELEZI: And who accompanied Mr Zwane from the Department of Agriculture?

20 **MR ALBERT DOCTOR RADEBE:** Well it was so many people but the one whom I remember who did the representation Peter Thabethe.

ADV ZINHLE BUTHELEZI: And what position was he holding at the time?

MR ALBERT DOCTOR RADEBE: He was the HOD in the Department of Agriculture.

ADV ZINHLE BUTHELEZI: And then other than Mr Thabethe was there any other official from the Department that you remember?

MR ALBERT DOCTOR RADEBE: Yes, yes there were other officials. That one they say is the manager but I cannot recall their names because they did not come with any documents in writing they just presented us with the verbal – with the oral work.

ADV ZINHLE BUTHELEZI: Yes then tell us what happened then during this presentation?

MR ALBERT DOCTOR RADEBE: Oh that is when we – Mr Zwane first
10 spoke and told us that they have earmarked Vrede to – to maybe to establish a dairy farm whereby there will be a milk processing plant. So they were in the council to ask the council to give them permission to lease that land which is Krynaauwslust in Vrede. Then thereafter Mr Thabethe came with the representation but he never gave us any written documents he was just doing it orally. That is when they said there is a company which is called Estina who will work in partnership with a certain company in English which is the big company milk processing plant in England.

ADV ZINHLE BUTHELEZI: Did they say in England?

20 **MR ALBERT DOCTOR RADEBE:** I mean in India. The name of the company is Paras. Then they – they told us about the figures of the money that will be injected in the project.

ADV ZINHLE BUTHELEZI: Yes and did they tell you where was the – what is it that they were requesting from the council?

MR ALBERT DOCTOR RADEBE: They requested that the council

should lease the agricultural land to the Department of Agriculture so that the Department can establish that dairy plant.

ADV ZINHLE BUTHELEZI: And where is this land?

MR ALBERT DOCTOR RADEBE: The farm?

ADV ZINHLE BUTHELEZI: Yes the agricultural land?

MR ALBERT DOCTOR RADEBE: The agricultural land is the land around the area of Vrede. I think it was – it is a big agricultural land which was used by the municipality before. And by that time I think in 2011 around August the council has just taken a resolution to lease that
10 land to the surrounding commercial farmers. That land I think it is – it is 4400 hectares big. Then when they represented this story of theirs in the council that land was already rented by the local farmers.

ADV ZINHLE BUTHELEZI: And how much was the municipality making out – making from that land on monthly or annually?

MR ALBERT DOCTOR RADEBE: Well you usually – in agricultural point of view you usually charge per annum – a hectare per annum. And by that time the – the equivalent rate I think it was close to a million because if you – if you lease an agricultural land you just – you check first what is the – is the value of the hectare then plus or minus
20 10% of the value of the hectare that is the rental amount per annum.

ADV ZINHLE BUTHELEZI: Yes did they explain who or how they identify this land?

MR ALBERT DOCTOR RADEBE: Not at all.

ADV ZINHLE BUTHELEZI: The – this request or these type of requests how are they usually tabled at the council? Will someone come in and

make an oral presentation or is there a formal process that needs to be followed?

MR ALBERT DOCTOR RADEBE: Well the procedure was they should have written a letter to the municipality so that the speaker and municipal manager they can discuss the matter first with the mayors and if we do have a council meeting that thing – their item can be documented so that it can be on the record. As this one on the 19th you cannot find it in the record of the municipality because they come just before the council meeting and hijacked the council meeting.

10 **ADV ZINHLE BUTHELEZI:** And it was not on the agenda for that day?

MR ALBERT DOCTOR RADEBE: No not at all.

ADV ZINHLE BUTHELEZI: How were they – what is it that they were offering to the council in exchange for this land?

MR ALBERT DOCTOR RADEBE: They said they will – they will pay the council the money which those commercial farmers were paying to the council. Then the Department of Agriculture will buy the commercial farmers contract out and compensate them so that they can operate the dairy on the farm.

20 **ADV ZINHLE BUTHELEZI:** Do you know how much time was still outstanding before the lease that the council had with the farmers expired?

MR ALBERT DOCTOR RADEBE: As this contract – as this meeting took place on the 19 June at the farm you usually – the contract begins on the 1st August.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: I think it was just less than a year – almost a year. The contract of the commercial farmers was less than a year old. They were left with two and maybe two and three months or four months to ...

ADV ZINHLE BUTHELEZI: Oh they still had about two years remaining?

MR ALBERT DOCTOR RADEBE: Ja they still have to have more than two years in their contracts.

ADV ZINHLE BUTHELEZI: Yes and who was going to buy out the
10 commercial farmers that were leasing the land from the municipality?

MR ALBERT DOCTOR RADEBE: To what it was represented in the council it was said the Department of Agriculture will – will do the compensation and buy them out.

ADV ZINHLE BUTHELEZI: Yes and you said who made the presentation? Is it Mr Zwane or was it someone else from the Department?

MR ALBERT DOCTOR RADEBE: The bigger – the large portion of the representation was done by Mr Thabethe.

ADV ZINHLE BUTHELEZI: Okay. And what else did they tell you with
20 regards to the project that they wanted to use the land for on that day? You deal with that in paragraph 5 of your affidavit which is on page 2.

MR ALBERT DOCTOR RADEBE: They told us the figures of the money. They said the Department of Agriculture is prepared to pay 100 million per annum in this project till it get off the ground. They said the pilot project will be three years. And in addition of that 300 million for that

three years they said then they have also earmarked 100 people who will be beneficiaries in the BEE beneficiary model in that dairy. Then those people will be given 100 million again which makes it 400 million in all. Then – which means – which mean...

ADV ZINHLE BUTHELEZI: Sorry how were they going to be given this 100 million?

MR ALBERT DOCTOR RADEBE: They said they – one beneficiary will be given 1 million so that they can – they can buy cattle. That the dairy cattle and bring them into the dairy.

10 **ADV ZINHLE BUTHELEZI:** Yes.

MR ALBERT DOCTOR RADEBE: Then they said Estina will...

ADV ZINHLE BUTHELEZI: And sorry how does it add up to 400 million then?

MR ALBERT DOCTOR RADEBE: Well the Department they said the Department has planned to inject 300 for the project. Then in extra the Department will give beneficiaries 100 million that is what makes it 400 million.

ADV ZINHLE BUTHELEZI: Okay.

20 **MR ALBERT DOCTOR RADEBE:** Yes. Then they also said Estina will come with half a million – will come with 500 million.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: Which will be – which will be injected by the – by that big company from India which is Paras. They said Paras will give Estina that 500 million. Then all in all when we worked this out then it was close to a billion. If you maybe you add up the VAT

by that time. It was very much close to a billion.

ADV ZINHLE BUTHELEZI: Yes and how was this received by the council?

MR ALBERT DOCTOR RADEBE: Well I – I am the – in the council I was the only person who is clued up with the agriculture because I have been farming since 2003. The council were so excited because the figures that just make people to be excited but when you look at the bigger picture you could see that from the beginning this thing was – was a little bit like a scam because they came in the council with no
10 feasibility study, no business plan, no budget. They just – they just throw in figures without giving documentation on how these figures will be generated or will be brought into ...

ADV ZINHLE BUTHELEZI: Did you ask for the supporting documentation or did anyone in the council ask for that documentation?

MR ALBERT DOCTOR RADEBE: As they hijacked the council meeting just after they left the – the first item in the – in the council was the council of the Department of Agriculture.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: As you can – then that is when we
20 asked the question now among ourselves and I was the person who was asking those questions and say Honourable Councillors this thing if we do not think outside the box then we will get into trouble if we – we approved this certain project. Because it did not sound like really. It looked like a dream but if you are clued up then you could see that it was a scam.

ADV ZINHLE BUTHELEZI: Why do you say it is a scam? Why did you – how did you reach that conclusion?

MR ALBERT DOCTOR RADEBE: In the same council meeting when we discussed the matter I even asked them that how are they going to identify those beneficiaries? Then the criteria was not clear. I even warned them. I said let us not make this thing to be a pay cheque for maybe for party members because most of the time on the ground the party members more especially if there is a ruling party, party members believe that thing has been planted in the – into their minds that each
10 and everything which comes from the government is meant for them not for the community at large. It is meant for certain individuals that is where we discussed this matter and say they must table – they must bring forward the criteria in which they are going to identify beneficiaries. Then I was – I remember then they said I am against development because this thing is going to develop Vrede and it is going to benefit the people of Phumelele.

ADV ZINHLE BUTHELEZI: Yes do you know then what happened to this request eventually? Was there a decision that was taken after you deliberated as council members?

20 **MR ALBERT DOCTOR RADEBE:** Just after that then in the following council meeting then that is when the documentation with regards to this Estina Dairy scam appeared in the council records. Then that is where we – we – the council took a decision that they will lease the land to the Department.

ADV ZINHLE BUTHELEZI: Was this a unanimous decision? Were

there any opposition to this particular resolution?

MR ALBERT DOCTOR RADEBE: Well we opposed the [indistinct] and it was a unanimous decision because as we were we were only three councillors from the opposition then the ANC councillors were I think were 13. All in all we were 15.

ADV ZINHLE BUTHELEZI: So there were 12?

MR ALBERT DOCTOR RADEBE: There were 12 yes.

ADV ZINHLE BUTHELEZI: So the opposition did not oppose this request?

10 **MR ALBERT DOCTOR RADEBE:** Well I do represent my side of the story from [indistinct].

ADV ZINHLE BUTHELEZI: Your concerns?

MR ALBERT DOCTOR RADEBE: Yes.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: But I represented it personally in my personal capacity as the person who know – who knows about agriculture. As I am saying all 14 – all 14 councillors sitting councillors by then were not clued up with agriculture.

20 **ADV ZINHLE BUTHELEZI:** Yes. On paragraph 9 of your statement you deal with the decline in dairy farming in the area. Could you just take us to that or elaborate on that?

MR ALBERT DOCTOR RADEBE: Around the area of Phumelele when we grew up until late 90's we had more than 30 dairy farmers around that area and.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: As a result when they represented this proposal of theirs we had only three dairy farmers around the area of Phumelele.

ADV ZINHLE BUTHELEZI: Hm.

CHAIRPERSON: Do you know what was the reason for this significant decrease in the number of dairy farms?

MR ALBERT DOCTOR RADEBE: Chair I think the – I believe that the reason emanated from the farm gate. When those farmers were farming by that time the milk processors used to buy maybe a litre
10 maybe they will pay R2.00 per litre from the farm gate and by that time then the cost of feeding those cattle – those dairy farms has escalated as is well known that dairy cattle need intensive feeding. They depend on the feeding. They cannot maybe be driving more than 300 meters from where they are being milked. So when – I think – I believe that the farmers realised that they were doing a loss with regards to this dairy – dairy business.

CHAIRPERSON: So you believe that the decline was due to a number of challenges in the dairy farm business?

MR ALBERT DOCTOR RADEBE: Yes inside the farm gate.

20 **CHAIRPERSON:** Hm Okay.

ADV ZINHLE BUTHELEZI: Thank you. So is the cost of – the cost of feed for these – for the cows that was one of the driving factors, is that your evidence?

MR ALBERT DOCTOR RADEBE: Yes that is my evidence I put forward.

ADV ZINHLE BUTHELEZI: Thank you. And you also talk about the

milk processing plants around Vrede were they milk processing plant in the area or close to the area of Vrede?

MR ALBERT DOCTOR RADEBE: Before the decline the milk processing plant which was – it was in Standerton. It is 50 kilometres from Vrede. As a result of this decline from dairy farmers around the area then the milk processing plant was relocated to Harrismith.

ADV ZINHLE BUTHELEZI: Hm.

MR ALBERT DOCTOR RADEBE: And Harrismith is plus or minus 110 kilometres from Vrede. Then the people who were working in
10 Standerton were also – the employees were also transferred to Harrismith that is where they – most of them work even the ones who were residing in Vrede. Then the other milk processing plant is in Frankfort and from Frankfort to Vrede it is plus or minus 80 kilometres. I think what made to relocate that milk processing plant is the decline of those dairy milk farmers around the area as by that time as I stated that there were more than 30. One farmer was milking not less than 100 cattle. Then you can imagine the litres that they were supplying those milk processing plants around those areas.

ADV ZINHLE BUTHELEZI: Yes. Were you informed that for this
20 project there was also an intention to build a processing plant during that presentation?

MR ALBERT DOCTOR RADEBE: They said would – we were informed that it will be a dairy – they will have dairy milk cattle and also utilise the land thereafter then and a big milk processing plant which will supply South Africa.

ADV ZINHLE BUTHELEZI: Would that then not be to the advantage of the Vrede people having a processing plant nearby?

MR ALBERT DOCTOR RADEBE: Well if it was done properly and maybe have people who knows how to do I think it was going to be feasible but as you can see they never gave us any documentation that we can go through and see what is their plan with regards to this thing. Then that is what made us not to believe it was going to be possible for it to be in operation.

ADV ZINHLE BUTHELEZI: Yes but – when you say it made us.

10 **MR ALBERT DOCTOR RADEBE:** Yes.

ADV ZINHLE BUTHELEZI: Who are you referring to?

MR ALBERT DOCTOR RADEBE: As – well when we discussed – usually when we go to a council meeting we do have some – we do hold a caucus but with regards to this dairy thing I was given the mandate to speak about it. That is what I told my colleague in the caucus that this thing is not going to be feasible.

ADV ZINHLE BUTHELEZI: Yes because the councils municipal manager – Vrede municipal manager will come to the commission and say this project was supported even by some of the opposition
20 councillors.

MR ALBERT DOCTOR RADEBE: Well as I stated that I was the one who was speaking about it. But in our caucus then we – I do stand up – I stood up and tell them that this thing is not going to work. But in the council then I was speaking alone then I cannot – well I cannot stand in his way and say maybe he is wrong. He might be right. But I

was speaking from the – the agricultural knowledge which I had with regards to this dairy.

ADV ZINHLE BUTHELEZI: Okay. And in paragraph 11 you deal with the relationship – you deal with the relationship that Mr Zwane had with the Mayor Mr Motaung can you just elaborate on that?

MR ALBERT DOCTOR RADEBE: Mr John Motaung who is the Municipal Mayor in the Phumelele Municipality.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: Ja he has been a Mayor for three
10 consecutive terms in that municipality because he has been Mayor for –
since 2004. They were like brothers with the MEC Mr Mosebenzi
Zwane. That is why the Mayor even in the council that is him who
insisted that this project must be approved. I mean this lease must be
approved to the Department of Agriculture.

ADV ZINHLE BUTHELEZI: Yes. And you attach the resolution that was
made by the council. It appears from page Chair. Looking at this
resolution there is no way where it indicates that there was opposition
from the opposition party. In fact this resolution was made
unanimously by all parties or by all the members of the council. What
20 do you say to that?

CHAIRPERSON: Why do we not have a clearer copy?

ADV ZINHLE BUTHELEZI: Um.

CHAIRPERSON: I have been saying whenever there are going to be
annexures the legal team must please try and make sure that we have
got clearer pictures.

ADV ZINHLE BUTHELEZI: Yes especially page 7 it is difficult even for me read Chair but...

CHAIRPERSON: Yes but I am asking why do we not have a clearer copy because I have been saying that for quite some time. The legal team looks at the statements and annexures in advance. If they see that an particular annexure is not legible they should try and arrange for clearer copies.

ADV ZINHLE BUTHELEZI: I will try Chair to see if we can still find a clearer copy.

10 **CHAIRPERSON:** Yes.

ADV ZINHLE BUTHELEZI: There are other witnesses that will come and deal with this issue.

CHAIRPERSON: Ja I am just going to repeat. Members of the legal team must please make sure that we get the best copies that we can get. Sometimes you cannot get a better copy what you have is what you have.

ADV ZINHLE BUTHELEZI: Yes.

20 **CHAIRPERSON:** But then I must be informed then I know. But if I have not been informed that attempts have been made to try and get a clearer copy I will take it that no attempts were made. So let us proceed but a clearer copy should be obtained if possible.

ADV ZINHLE BUTHELEZI: We will do so Chair. I believe that there is because there are some other witnesses that will deal with this issue. They might provide us with a more legible copy than the one that we currently have.

CHAIRPERSON: Ja but then we must – if there is a clearer copy you must replace this one even in this statement with a clearer copy.

ADV ZINHLE BUTHELEZI: Will – I will do so Chair.

CHAIRPERSON: We must not have a situation where there is a clearer copy in other bundles but an illegible copy in some.

ADV ZINHLE BUTHELEZI: I understand Chair. Thank you.

CHAIRPERSON: Okay alright. We may proceed.

ADV ZINHLE BUTHELEZI: Yes. Mr Radabe I was saying that looking at this resolution that was taken on the 19 June it seems as if this
10 decision to lease the land to Estina was a unanimous decision of the council. Do you have any comment?

MR ALBERT DOCTOR RADEBE: Maybe if I can firstly give the background with regards to this resolution.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: Not only this resolution. The Mayor took a decision in that municipality that anything which I speak in the council must not be written down. And I think even the municipal manager when he comes here then we ask him I was the only councillor in the whole council sitting who was participating in not less than 80%
20 of the items which were brought into the council meeting. And you ask yourself why such a person is not maybe noted when he is even dealing with such serious things. We even asked the council that they should record the meetings with a tape recorder but we – we usually have to have a struggle each and every council meeting to – just to have a tape recorder. Each and every time they will leave that tape recorder

behind. Then we will have to say the meeting must not continue before we have a tape recorder. As we have recognised that most important issues are not recorded. When it comes to this one of this dairy scam.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: That is why we insisted a lot that a tape recorder must be there but I am not surprised that my name does not appear here but on the tape recorders that is when we make sure that this thing was recorded in the tape recorder so that we can make reference because we know that this thing was not going to last even
10 more. I know – I knew it was not going to last even for five years.

That is why I insisted that it must be recorded. If they can bring the tape recorder you can see how – how we deliberated on this matter.

ADV ZINHLE BUTHELEZI: But ...

CHAIRPERSON: So do you know whether the debates or discussions were mechanically recorded when the discussions happened or you do not know?

MR ALBERT DOCTOR RADEBE: Chair more especially with regards to this – to this dairy scam. They were recorded. We made sure that
20 before we start the tape recorder was working and ...

CHAIRPERSON: Okay.

MR ALBERT DOCTOR RADEBE: And the Municipal Manager is the person who usually is supposed to advise the council with the legal things inside the council. He also insisted that it should be recorded.

CHAIRPERSON: Okay.

MR ALBERT DOCTOR RADEBE: I am dead sure it was recorded. Maybe it can be destroyed but it was recorded.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI: Chair we will follow up with the Municipal Manager.

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI: Thank you. Then on – on paragraph 13 you speak of the events that followed this resolution. Do you know if the lease between Estina and the – Phumelela Municipality was concluded?

10 **MR ALBERT DOCTOR RADEBE:** Chair it is just that some other documents then - we cannot connect with them. I think maybe they are missing but the documents that were agreed in the council is that the land was – the – the Office of the Premier sent a lease contract to the council so that the council can approve it that the council must lease the land.

They said the council must lease the land to the Office of the Premier because the – they said legislatively it is stated that the council cannot lease the land direct to the Department of Agriculture. It must lease it to the Office of the Premier.

20 **ADV ZINHLE BUTHELEZI:** Yes. So the land was not then leased to Estina as far as you know. It was leased to the Office of the Premier Free State. Is that your evidence?

MR ALBERT DOCTOR RADEBE: Yes. As far as the resolution was taken by the council it is that the land should be leased direct to the Premier. So that the Premier can – can maybe give it to the

Department of Agriculture. So then they can lease it to Estina. It was a – it was a ...

ADV ZINHLE BUTHELEZI: Okay.

MR ALBERT DOCTOR RADEBE: It was a long, long, long story.

ADV ZINHLE BUTHELEZI: And – and do you know how long was the lease between the municipality and the Office of the Premier?

MR ALBERT DOCTOR RADEBE: The document which represented that the lease between the Municipality and – and the Premier's Office was 11 years ...

10 **ADV ZINHLE BUTHELEZI:** Yes.

MR ALBERT DOCTOR RADEBE: And thereafter then I – I learned that the Department of Agriculture did lease the land to Estina Dairy Scam for 99 years lease free contract.

ADV ZINHLE BUTHELEZI: What do you mean by lease free?

CHAIRPERSON: Rent – rent free.

ADV ZINHLE BUTHELEZI: Rent free.

MR ALBERT DOCTOR RADEBE: Rent free.

CHAIRPERSON: Rent free.

20 **MR ALBERT DOCTOR RADEBE:** Rent free - for 99 years rent free to Estina Dairy Scam.

ADV ZINHLE BUTHELEZI: Yes and do you know if the municipality was paid by the – by the Free State – Free State Province for this land ...

MR ALBERT DOCTOR RADEBE: I ...

ADV ZINHLE BUTHELEZI: Or the Department of Agriculture? Sorry.

MR ALBERT DOCTOR RADEBE: I followed this – this thing of the

dairy because it was interesting very much closely and when I looked onto – on the municipal financial books because we were represented with those documents. I have never seen any payment from the Department of Agriculture to – to the municipality and which was supposed to be close to a million by that time and in the agreement we agreed that they – they – it was agreed that the – the department should pay the money which is equivalent to – to the rates of that time and if – if the hectare is maybe 8 000 this year.

10 Maybe next year it is going to be 10 000. Then they must pay the money which is equivalent to the rate of the hectare. I – I followed this thing. I have never seen any payment into the municipality.

ADV ZINHLE BUTHELEZI: Yes. The Municipal Manager will come and testify. He will say the lease between the municipality and the province was for a year and they were not involved in the 19 year - 99 year lease. Do you have any comment?

MR ALBERT DOCTOR RADEBE: I do have a strong object on that because it – it – the – the representation from the Department of Agriculture is they said to the council the pilot project for this dairy scam is three years.

20 **ADV ZINHLE BUTHELEZI:** For the dairy scam or the dairy project?

MR ALBERT DOCTOR RADEBE: The dairy project.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: He said ...

CHAIRPERSON: Well he says – he said that the project is a scam.

ADV ZINHLE BUTHELEZI: Yes. Okay.

CHAIRPERSON: Yes continue.

ADV ZINHLE BUTHELEZI: Proceed.

MR ALBERT DOCTOR RADEBE: Then it – it does not make sense. How can they lease the land to the people who have a plan of three years to – to take the project off the ground and anything can happen. You see in 11 years one year anything can happen. Maybe they leased one – one on that level but as far as I know it was – it was 11 years not one year.

ADV ZINHLE BUTHELEZI: Yes and he will say for that one year that
10 they had this agreement with the province they were paid. The municipality was made for the land.

MR ALBERT DOCTOR RADEBE: Then he just has to bring the proof ...

CHAIRPERSON:

ADV ZINHLE BUTHELEZI: Okay.

MR ALBERT DOCTOR RADEBE: Which states that Department of Agriculture paid – the Provincial Department of Agriculture in the Free State paid Phumelela so much for – for the lease of land which is 4 400 hectares.

ADV ZINHLE BUTHELEZI: Okay. We will take it out with the Municipal
20 Manager. Let us proceed Mr Radebe. On paragraph 14 you deal with the report that you made regarding the dead cows from the farm. Could you please take us through that?

MR ALBERT DOCTOR RADEBE: Well during that – that time it was easy to access that – that dairy and I got a tipoff that the – the cattle were dying.

ADV ZINHLE BUTHELEZI: Which – which time is this? Which year if you may remember?

MR ALBERT DOCTOR RADEBE: The cattle was bought in 2000 – towards the end of 2013 – towards the end of 2013.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: The cattle was bought for that diary. Then in 2014 I think the cattle started dying there towards the end of 2013 again just after they arrived. Then in February 2014 that was when I was alerted that the cattle – they are piling cattle up in the
10 stream – in a certain stream around Vrede.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: Then I went myself there and witnessed the situation. Then I got that the cattle were - were dumped on the – on the stream which supplied drinking water to – to the Vrede Dam. Then once I witnessed that I immediately alerted the press and the press came. The story was on the front page on the very same week on Friday and the photos were taken on Wednesday.

Then on Friday it was on the front page. Thereafter then the – I – I saw that nothing did happen. Then I alerted the Department of
20 Environmental Affairs with regards that this - these people were polluting water which is the drinking water for people of Vrede. Then the official from the Department of Environmental Affairs came after I think it – the following week over the weekend.

Then we met in Vrede. I took them to the scene. When we got there then we got that the cattle were now covered with – with soil.

ADV ZINHLE BUTHELEZI: But where they still in that stream?

MR ALBERT DOCTOR RADEBE: Yes in – in that stream.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: Then the official told me that no I must wait for them in - in Vrede. They will go to the – to the dairy themselves and deal with the – the official in the dairy. Then they went there. They instructed them to go and exhume those cattle on that drinking – drinking water stream and bury them in the farm. They must dig a hole they – they said to me they instructed them to dig three
10 metres deep hole and bury those cattle in that area.

ADV ZINHLE BUTHELEZI: And how many cattle/cows were there that were dumped in that stream?

MR ALBERT DOCTOR RADEBE: Well taking into consideration that it was in summer and some of those carcasses were already decomposed but as far as I – I recognised when I got there it was not less than 45 carcasses in that – in that stream.

CHAIRPERSON: That is now the number of carcasses you saw on that particular day - on that particular day?

MR ALBERT DOCTOR RADEBE: Yes Chair.

20 **CHAIRPERSON:** Or you mean over a certain period you saw 45?

MR ALBERT DOCTOR RADEBE: Up to – Chair up to that day where – where – up to that day of February which I reported this thing to the press. The carcasses which were dumped there were not less than 45.

CHAIRPERSON: Yes.

MR ALBERT DOCTOR RADEBE: Yes.

CHAIRPERSON: But as on the day when the media came were they still there – the carcasses – 45 of them?

MR ALBERT DOCTOR RADEBE: Yes Chair. They were still there. The media even took the photos.

CHAIRPERSON: Yes.

ADV ZINHLE BUTHELEZI:

MR ALBERT DOCTOR RADEBE: And even the official from the Department of Environmental Affairs when they got there the carcasses were there but they were covered just with soil.

10 **CHAIRPERSON:** Yes. Was it possible to – were you able to get an idea of how long the cattle had been – had died by the time you went there? Could it have been a week? Could it have been two weeks? Could it have been much longer than that or it was difficult to tell?

MR ALBERT DOCTOR RADEBE: Chair when I got there my observation was that it was not three months since they were dying.

CHAIRPERSON: Yes.

MR ALBERT DOCTOR RADEBE: Yes, yes.

CHAIRPERSON: And it is obviously ...

MR ALBERT DOCTOR RADEBE: Up to that day yes.

20 **CHAIRPERSON:** they – they may have died on different days.

MR ALBERT DOCTOR RADEBE: Yes. Yes Chair.

CHAIRPERSON: *Ja.* Okay, thank you.

ADV ZINHLE BUTHELEZI: So were they also in different stages of decomposition?

MR ALBERT DOCTOR RADEBE: Yes. Others they were almost totally

decomposed. Others were fresh and for the record it never ended that day. Cattle kept on dying afterwards.

ADV ZINHLE BUTHELEZI: Yes.

CHAIRPERSON: Are you able to tell about how many in addition to the 45 you have told me about also died that you were – became aware of afterwards more or less? In other words how many more did you become aware of that died afterwards?

MR ALBERT DOCTOR RADEBE: Chair just after that publication to the press because that thing it caught the attention of the whole South
10 Africa. Then the security was beefed up in that dairy that no one must come close to that dairy. We were even barred for you to – to maybe to walk in – into - into the field not just the dairy alone. Then that is when I – we – we - I began to stay away because my life was going to be endangered.

CHAIRPERSON: Yes I understand that but what I want to find out because you said that those 45 were not the last ones to die. Cattle continued to die after the date when the media was there. So I am trying to find out whether you became aware - how many you became aware of that died afterwards or - or you did not see any that had died.
20 You just heard that they were continuing to die.

MR ALBERT DOCTOR RADEBE: Chair yes I – I just heard that the cattle kept on dying but I did not witness because now they were buried deep inside the farm where we cannot access that place ...

CHAIRPERSON: Okay.

ADV ZINHLE BUTHELEZI:

MR ALBERT DOCTOR RADEBE: But people who working on the dairy then when we engage with them then they will tell me that the cattle keep on dying but we are burying them at a different place ...

CHAIRPERSON: Okay.

MR ALBERT DOCTOR RADEBE: From the one that you – you saw.

CHAIRPERSON: Okay, thank you.

ADV ZINHLE BUTHELEZI: Thank you Chair. Mr Radebe in paragraph 15 of your statement you express a view as to – a reason why those cattle were dying. It is your personal view. Why do you think those
10 cattle were dying in the farm?

MR ALBERT DOCTOR RADEBE: Honestly speaking those cattle were dying – were – were starving and another thing they were not vaccinated. They were not treated with proper medication. That is why they were dying like flies. Most of the time you do not just take dairy cattle and feed them in an open field. You let them graze in an open field. You have to give them some supplement and – and feeding but those were left to – to graze on their own on an open field.

CHAIRPERSON: By the way did you say you yourself have a lot of experience in farming with cattle? You yourself do you have a lot of
20 experience of farming with cattle?

MR ALBERT DOCTOR RADEBE: Yes Chair. I have been farming – I have been fully farming since 2003 ...

CHAIRPERSON: Yes.

MR ALBERT DOCTOR RADEBE: But with beef cattle and – and when you do farming you do all – all sorts of aspects of farming.

CHAIRPERSON: Yes.

MR ALBERT DOCTOR RADEBE: It is grain. It is – it is beef cattle.

CHAIRPERSON: Hm.

MR ALBERT DOCTOR RADEBE: It is – it is milk cattle. Then you choose which one you want to – to work on.

CHAIRPERSON: To focus on, *ja*.

MR ALBERT DOCTOR RADEBE: Yes but I am clued up with the dairy cattle.

CHAIRPERSON: You have a good idea of how dairy cattle should be
10 handled and should be treated?

MR ALBERT DOCTOR RADEBE: Yes Chair I do have that (intervenes).

CHAIRPERSON: Okay, thank you.

ADV ZINHLE BUTHELEZI: Thank you Chair and then you then deal with the – the threats and the attacks that you experienced following the reports that you - you made. Could you please take us through those events?

MR ALBERT DOCTOR RADEBE: More especially after this event of reporting the – the – those dairy carcasses ...

ADV ZINHLE BUTHELEZI: Yes.

20 **MR ALBERT DOCTOR RADEBE:** This thing caught even the attention of the – the Parliament itself. People around Vrede then became so violent. They – they were angry at me as I was the one who reported the matter to – to the press and I was even attacked personally ...

ADV ZINHLE BUTHELEZI: Hm.

MR ALBERT DOCTOR RADEBE: By - by a group of people who I -0 by

that time we believe it was – was Mr Zwane’s private force. He – he – after he became the – after he got into that – that position of – of the Agricultural MEC he had some dubious employment in the – in the Office of the Department of Agriculture around the area of Vrede.

They were – he hired five people that – that office hired five people without following the proper procedures.

ADV ZINHLE BUTHELEZI: And how do you know that?

MR ALBERT DOCTOR RADEBE: What makes us to – what makes me to be suspicious that it was – the right procedure was not followed is
10 that you cannot – you cannot hire – you cannot hire people who – a certain group of people maybe how are friends at the same time when – when the population of that area is so big. Which means those - those posts were – were created especially for them.

ADV ZINHLE BUTHELEZI: Hm.

MR ALBERT DOCTOR RADEBE: Then ...

ADV ZINHLE BUTHELEZI: And what – what is it that they were doing these people – these special force for Mr Zwane what was their role in the Agricultural Department?

MR ALBERT DOCTOR RADEBE: Their role in the department?

20 **ADV ZINHLE BUTHELEZI:** Yes. What is it that they were doing?

MR ALBERT DOCTOR RADEBE: The two guys were security guards. I think the two guys is Bongani Radebe and Dinga Dinga.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: They were security guards and there were other two guys. It is Thuto Kganye who was working in the office

and the other one is Anton Sibeko known as Xolisa. They – they were – all those two they were working in the Office of Agriculture and after that – after that time when they got into that office there was an extension officer working in that Office of Agriculture and another lady who is working – is an administration in that office.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: Those two people were – were undermined during this thing of the dairy project. I remember the extension officer he was even striped of the rights of driving a car. He
10 was walking ...

ADV ZINHLE BUTHELEZI: Hm.

MR ALBERT DOCTOR RADEBE: And those two guys were using the – the agricultural – the Department of Agricultural car by that time. They were – it - it looks as if they were seniors in that office by that time.

ADV ZINHLE BUTHELEZI: And how – how were you attacked then? Who - who attacked you and how were you attacked?

MR ALBERT DOCTOR RADEBE: The people who attacked me they were – they were driving with Frans Mokoena.

ADV ZINHLE BUTHELEZI: And who is Frans Mokoena?

20 **MR ALBERT DOCTOR RADEBE:** Frans Mokoena is – is a well tenderpreneur in Phumelela. He used to get tenders left and right in that area.

ADV ZINHLE BUTHELEZI: Yes.

CHAIRPERSON: So he is a businessman?

MR ALBERT DOCTOR RADEBE: I presume so. He is a tenderpreneur.

ADV ZINHLE BUTHELEZI: Where was he getting his tenders? From – is it the Government tenders?

MR ALBERT DOCTOR RADEBE: Ja they were Government tenders.

ADV ZINHLE BUTHELEZI: From which departments if you know?

MR ALBERT DOCTOR RADEBE: The – the – one of the biggest tenders that he got first is when – when Mr Mosebenzi was the MEC of – of CoGTA. I think in 2009 he was MEC of CoGTA. Then Frans got a big tender in Warden to build houses – the RDP houses. That is one of his big tenders. Then he – he will use some other tenders then around
10 the area while Mr Zwane was - was the MEC.

ADV ZINHLE BUTHELEZI: Okay.

MR ALBERT DOCTOR RADEBE: When I was attacked they were – he was driving his car. In his car it was Bongani Radebe, Dinga Dinga and Anton “Xolisa” Sibeko.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: Then I was – I was attacked. Then I was even sprayed with pepper spray on the eyes. They said that I am – I am disturbing the ANC from doing its work and I was not the only person who was attacked around the area. Everybody who was
20 associated with myself they were attacked throwing all sorts of insults on the streets. The life that we live by that time is – it was a frightening life.

ADV ZINHLE BUTHELEZI: Yes.

CHAIRPERSON: Do you know why they attacked you?

MR ALBERT DOCTOR RADEBE: Chair, we – we had some difference

just after the – the – after I reported those carcasses.

CHAIRPERSON: In the media – to the media?

MR ALBERT DOCTOR RADEBE: Yes.

CHAIRPERSON: Yes.

MR ALBERT DOCTOR RADEBE: Then we ...

CHAIRPERSON: And what were the difference about? What – what were they saying and what were you saying on the issue?

MR ALBERT DOCTOR RADEBE: Well we had – we – we had an argument with Thuto Kganye at one of the tennis courts around Vrede.

10 Then thereafter ...

CHAIRPERSON: And what was the argument? What was he saying and what were you saying?

MR ALBERT DOCTOR RADEBE: Oh it – when we exchanging words he said with regards to the – to this day.

CHAIRPERSON: In other words what I want is to see whether it was connected with your stance on the Vrede Dairy Farm Project or whether it was about other differences that the two of you may have had.

MR ALBERT DOCTOR RADEBE: Well I cannot – I cannot recall correctly where but I – I – we had a going on each other with
20 Thuto Kganye at the tennis court. Then Thuto I do not know whether it is him or maybe – but there was – they were all members playing at the tennis court. Then they phoned those guys and say here is Doctor here. Come and – and fix him up.

When I was on my way to – to the police station then I – I think it is plus or minus 400 metres from the tennis court that is when I

– I came across the car of Frans Mokoena with these guys. They stand in front of me like this on the car. Then they opened the doors all of them. They came out and – and attacked me.

When I – when I came out then Bongani Radebe took out a pepper sprayer and said the ANC is bigger than me. I cannot touch the ANC. Then he sprayed me with pepper spray in the eyes and I was – I was driving alone.

CHAIRPERSON: Hm.

ADV ZINHLE BUTHELEZI:

10 **MR ALBERT DOCTOR RADEBE:** Then the other guy – (indistinct) I could not see. Then there was another guy who approached me from the front. I asked him to drive to the police station with my own car. Then he drove me to the police station.

CHAIRPERSON: But are you able to say that they attacked you because of the fact that you had reported the – the fact that cows were dying on the Vrede Farm – dairy farm to the media or whether it was about other issues? Are you able to say what it – it was about?

MR ALBERT DOCTOR RADEBE: Chair with that one I am dead sure I was attacked based on this thing of the dairy farm.

20 **CHAIRPERSON:** Okay.

MR ALBERT DOCTOR RADEBE: I can put that on record.

CHAIRPERSON: Okay, thank you.

ADV ZINHLE BUTHELEZI: Yes and then you ...

CHAIRPERSON: And are you basing that on what they said when they were attacking you or one of them – what one of them said?

MR ALBERT DOCTOR RADEBE: Yes. I am – yes Chair. I am – I am basing it on what they said when they attacked me and afterwards maybe after a while when – maybe after around three years Bongani because we were sharing the same – surname then. He came and approached and tell me that I am sorry about whatever happened because I was – I was used and I was duped but whatever you were doing then you were right because you were doing it for the people of Vrede.

CHAIRPERSON: But what Bongani's surname again?

10 **MR ALBERT DOCTOR RADEBE:** Radebe.

CHAIRPERSON: Radebe?

MR ALBERT DOCTOR RADEBE: Yes Radebe yes.

CHAIRPERSON: Ja. Same surname as you?

MR ALBERT DOCTOR RADEBE: Yes.

CHAIRPERSON: Yes but he was one of those who attacked you?

MR ALBERT DOCTOR RADEBE: He was the one who – Chair he was the one who used the pepper spray on me.

CHAIRPERSON: Yes.

MR ALBERT DOCTOR RADEBE: Yes.

20 **CHAIRPERSON:** Yes. So you say afterwards he – he spoke to you and he said he was sorry about the fact that they had attacked you but the stance you had taken was the correct one?

MR ALBERT DOCTOR RADEBE: Yes. That is what he said. Even now he still stands on his words.

CHAIRPERSON: He – he still says that now?

MR ALBERT DOCTOR RADEBE: Yes.

CHAIRPERSON: Oh, okay and how long after the attack was it when he said this to you?

MR ALBERT DOCTOR RADEBE: Well Chair just after the attack he said – he spoke in Zulu. He said (isiZulu) I am sorry. Then I – then afterwards then we met and then he said I think the things were beginning to be – not to be rosy as they were. Then after a long while he approached me and said I am sorry I was used and I was duped.

I did not think clearly because the – it looks as if there was –
10 there was greener on the other part where I was shown but anyone I saw that what you were doing was right and you were doing it for the people of Vrede and – I mean for the people of Phumelela.

CHAIRPERSON: And you say one of the – of your attackers said the ANC is bigger than you?

MR ALBERT DOCTOR RADEBE: That is “Xolisa” Anton Sibeko.

CHAIRPERSON: Yes. Just repeat what he said.

MR ALBERT DOCTOR RADEBE: He said I cannot stand on the way of the ANC. The ANC is bigger than me.

CHAIRPERSON: Okay, thank you.

20 **ADV ZINHLE BUTHELEZI:** Thank you Chair. Did you report these attacks to the police?

MR ALBERT DOCTOR RADEBE: Immediately when that guy approached me from the front I asked him to drive me to the police station but I could not see clearly because that – that thing is so sore inside the eyes. When I got to the police station some other police

officer said I must go to – and wash my face. Thereafter I went to the charge room. I told them what happened. I want to open a case. Then they said that they want to consult with their Station Commander.

ADV ZINHLE BUTHELEZI: And who is their Station Commander?

MR ALBERT DOCTOR RADEBE: He is Mr Xasa.

ADV ZINHLE BUTHELEZI: And ...

CHAIRPERSON: That – that is strange. You come as a member of the public. You say to – you say to the police officer at the charge office. I want to open a case. They say they want to consult somebody. That is
10 what they said?

MR ALBERT DOCTOR RADEBE: Chair that is what they said ...

CHAIRPERSON: Yes.

MR ALBERT DOCTOR RADEBE: And eventually that is what happened.

CHAIRPERSON: So they went to consult the Station Commander?

ADV ZINHLE BUTHELEZI:

MR ALBERT DOCTOR RADEBE: Yes Chair they went to consult the Station Commander. Then the Station Commander issued a statement. He said to me that such cases do not – do not fall in – in their office. There is a certain office from Bethlehem. There is a certain official
20 who must come and assist us with such cases because my incident was not the – he said my incident was not the first one.

These cases are political related cases. They do not work with political related cases. There is a certain department in Bethlehem. Then I was – then I was turned away and say – they say they will bring people from Bethlehem but even today those people

never came.

CHAIRPERSON: Which year was it when you were attacked?

MR ALBERT DOCTOR RADEBE: It was the election of 2014, just after the incident of the carcasses.

CHAIRPERSON: So they refused to open a case for you and take a statement from you because they said there is another office that handles politically connected cases or political motivated cases and that office is in Bethlehem?

MR ALBERT DOCTOR RADEBE: Correct Chair.

10 **CHAIRPERSON:** But they said they would arrange for somebody from Bethlehem to come and take a statement from you or did they say you should go to Bethlehem?

MR ALBERT DOCTOR RADEBE: Chair they said they will arrange somebody from Bethlehem to come and make – and open a case for me.

CHAIRPERSON: And that has never happened?

MR ALBERT DOCTOR RADEBE: Chair even today it never happened.

CHAIRPERSON: Did the station commander at – is that – it's not at Vrede Police Station is it?

20 **MR ALBERT DOCTOR RADEBE:** Yes Chair it's in Vrede Police Station

CHAIRPERSON: This happened in Vrede Police Station?

MR ALBERT DOCTOR RADEBE: Yes Chair.

CHAIRPERSON: And the station commander at the time was who, what was his name?

MR ALBERT DOCTOR RADEBE: Chair it was the same person Mr Xhasa but by that time he was acting, now I think he's a permanent station commander.

CHAIRPERSON: So it's Mr Xhasa?

MR ALBERT DOCTOR RADEBE: Yes Chair.

CHAIRPERSON: Ja Xhasa, (name spelt) I think?

MR ALBERT DOCTOR RADEBE: Yes Chair.

CHAIRPERSON: He has never contacted you about this case since then? He has never come back to you to say whether, when he tried to
10 get somebody from Bethlehem there were any problems?

MR ALBERT DOCTOR RADEBE: He never came back to me, the last time we spoke about this case it was that time when I was turned away.

CHAIRPERSON: Yes.

MR ALBERT DOCTOR RADEBE: Yes Chair.

CHAIRPERSON: Well, I've heard, I think from Mr Dhlamini also that he showed the same station commander a video of threats on his life and that station commander and the police station didn't open any docket and they didn't take any statements from him. So you are also saying you went there and you spoke to him, you wanted a case to be opened
20 because you had been attacked and you had actually been attacked on the same day, you reported on the same day and they didn't open a case and he said they would need to contact another office in Bethlehem and they've never come back to you?

MR ALBERT DOCTOR RADEBE: Yes Chair, you're right Chair.

CHAIRPERSON: Okay the legal team must please follow this up as

well and I need to have report backs on all these instances where I've heard evidence that the police or some Law Enforcement Agencies don't appear to have conducted investigations in circumstances where they should have and they've never kept complainants informed as to what was happening with investigations. I need to have report backs on all of them. Okay continue.

ADV ZINHLE BUTHELEZI: Thank you Chair, Chair we have already notified our Law Enforcement Work-stream on this issue of Mr Radebe and his statement was made available to them as well but we will follow
10 up.

CHAIRPERSON: Okay thank you.

ADV ZINHLE BUTHELEZI: Thank you, Mr Radebe would you please then tell us about the further abuses that you experienced as a result of the influence that these people had in Vrede?

MR ALBERT DOCTOR RADEBE: Yes, in addition, I can even assist the Commission with other three guys who were attacked beside me, who were turned away from the police station the same way I was turned.

CHAIRPERSON: Oh what are their names?

20 **MR ALBERT DOCTOR RADEBE:** The first one is Thys Qwebu.

ADV ZINHLE BUTHELEZI: Yes and who else?

MR ALBERT DOCTOR RADEBE: the other one is Sisezwane.

ADV ZINHLE BUTHELEZI: Yes and the third person?

MR ALBERT DOCTOR RADEBE: He is well known as Magaga, but I know – I know him personally and even were he stays, we call him

Magaga, I think his surname is Magaga.

CHAIRPERSON: And when were these incidents – when did they happen?

MR ALBERT DOCTOR RADEBE: Chair they all happened in 2014.

CHAIRPERSON: And they were reported in 2014?

MR ALBERT DOCTOR RADEBE: Yes Chair they were reported in 2014, the very same police station.

CHAIRPERSON: And you say up to now, nothing has happened, they were turned away, actually from the police station, is that what you're
10 saying?

MR ALBERT DOCTOR RADEBE: Yes Chair they were told that there will be people coming from Bethlehem who will assist them to open their cases. I even tried to speak to them when the Commission first approached me, they said, it just ended like that, they never came back to them.

CHAIRPERSON: Yes were the attacks on them connected with the dairy – Vrede Dairy Farm Project or were they just – or were they just criminal attacks or were they attacks that were politically motivated by their political opponents, as far as you know?

20 **MR ALBERT DOCTOR RADEBE:** Chair they were strictly politically connected those three guys were very much close to me while I was a councillor, I used to spend lots of time with them.

CHAIRPERSON: Yes but they were not involved in any opposition to the Vrede Dairy Farm Project as such, the attacks may have been politically connected but in regard to other matters?

MR ALBERT DOCTOR RADEBE: Chair by that time Thys Qwebu and Sisizwane, they were DA members in good standing, then Mr Magaga he was – he was even supportive of us we used to spend time with him, but he was not a member by that time.

CHAIRPERSON: Okay alright, the legal team, I suggest that you don't ask somebody else to be in touch with the police, if you're going to ask somebody else to do that, it's going to take ages. I suggest that communication with the SAPS about these matters be direct. If it's somebody else you're asking then it should involve just drafting letters
10 that are to be signed by the acting secretary but don't ask another work-stream to look at that, look at that yourselves, then it's going to be quicker.

ADV ZINHLE BUTHELEZI: Will do so Chair, thank you.

CHAIRPERSON: Okay thank you.

ADV ZINHLE BUTHELEZI: Chair I'm told it's tea time, I'm almost finished with this witness.

CHAIRPERSON: Ja let's try and finish with him.

ADV ZINHLE BUTHELEZI: Thank you yes. You then deal with other abuses that you experienced, in paragraph 21 and 22 of your
20 statement, as a result of you having reported this matter, can you just...(intervention).

MR ALBERT DOCTOR RADEBE: Some of the abuses are very much traumatised you cannot go back to them but I can bring one to the attention of the Commission that I was once shot by the police when I was getting into the farm. It as in 2014, when I got into the farm then –

but for security reasons and I cannot speak all the details but the police came at the gate and said to me, it was at night, they said they want to search my car. I said, but how can you search my car when we are not even – you haven't even turned on the blue lights, I don't trust you, let us go to the house because – it's only 300 metres from the main gate to the house. I said I don't trust you, let us go in the house because I've got some people in the house who can maybe be witnesses or back me. Then I drove off, when I drove off, they fired five live ammunition shots on my car and two of them landed on my car
10 and I don't know what happened with the others, then I went straight to the house. When I got into the house they followed me, they came and in the house it was my brother and my cousin and the other guy, there were three, they went and spoke to them, they asked them what are they looking for, they said they want a driver's license, then I gave my brother the driver's license they said they want to search the car. They opened the car then thereafter they said – a certain lady said to me I think I'm clever then they are the police they will get after me and immediately I went to open a case, then the case was investigated by the IP, it drag on and on and on then eventually then it just disappeared
20 and no-one ever came to me, notify me what happened with the case even today. After the investigation was done then police got some cartridge on the scene and take them as evidence but even today no-one ever came to me, it's more than five years now.

CHAIRPERSON: Okay that will be included in checking exactly what happened ja.

ADV ZINHLE BUTHELEZI: Thank you was this also after you reported this – the carcasses at Estina?

MR ALBERT DOCTOR RADEBE: Yes this one I clearly remember it did happen on the - it was on the 14th of June 2014.

ADV ZINHLE BUTHELEZI: Thank you Chair, we'll take it up with the authorities.

CHAIRPERSON: Okay thank you.

ADV ZINHLE BUTHELEZI: Than you and you deal with what was happening with the State vet at Vrede in paragraph 21 and 22 of your
10 statement would you please talk to that?

MR ALBERT DOCTOR RADEBE: As I have stated once these gentlemen were employed in the department – the office of the Department of Agriculture, that office was eventually turned to be a political party office of the ANC, even Mr Zwane, when he came to Vrede he will go to that office and they will have meeting in that office. If they feel that the (indistinct) is small they will just take a phone call and phone the mayor in the Municipality so that the mayor can provide them with – if there's space immediately without even making some – maybe an appointment or book a place to the Municipality and once
20 these gentlemen got employed in that office, I was taking...(intervention).

ADV ZINHLE BUTHELEZI: Who are these gentlemen now?

MR ALBERT DOCTOR RADEBE: The one's which I stated I think there was one private force? Kolisa, Thuto, Dingaan Dinga and Bongani Radebe.

ADV ZINHLE BUTHELEZI: Yes.

MR ALBERT DOCTOR RADEBE: To my surprise I was – as a farmer we – as farmers then we will get the extension officer did have his data base of the farmers but I was taken out of that data base after that gentlemen got into that office and - as we had some differences politically. Those two were securities they were sitting at the gate you can't get there in the office if you were not pro ANC and as a result then I - my cattle got sick, in that office there is a State vet and usually we don't pay for the State vet because the State vet is paid by the
10 Government, we just go to the State vet and consult when we do have problem with cattle. Then I was denied access to the State vet, after a while I got the lady who was an administrator, the old lady in that office on the street, I ask her to give me the phone numbers of the State vet and then she phoned me the following day and give me the phone numbers of the State vet. Then I phoned the State vet and gave them the circumstances of the cattle on how they were dying then she described me the medication of the cattle. Unfortunately by that time I've already lost 45 heads of cattle and most of them they were heavy pregnant and the State vet diagnosed that my cattle were suffering from
20 some serious sickness which quickly turned into red water but when it begins it looks like the (indistinct) then he gave me some prescription. Just after that prescription then, my cattle then stopped sicking.

ADV ZINHLE BUTHELEZI: Stopped dying?

MR ALBERT DOCTOR RADEBE: Stopped dying yes.

CHAIRPERSON: I just note that at a certain stage when you called the

media about the cattle that were dying on the dairy farm, it was 45 cattle and you also lost 45 head of cattle.

MR ALBERT DOCTOR RADEBE: Chair, mine – I even counted them, that's why the extension officer did – I did have his numbers and he had my numbers. When my cattle died I phoned him to come and take the pictures, that's when he said to me, I've been stripped of the rights of driving – to drive the car from the department so I cannot get into your farm to go and have the pictures and witness the cattle. The best thing that you can do then, take some pictures bring them to me so that
10 I can see what I can do. That's then, when I took the pictures and – but when I got to him I asked him, is there any, maybe a disastrous relief grant from the department, then he said they don't have such thing. Those one – if you link these two, 45 and that other 45, maybe the carcasses that (indistinct) but I do have pictures of all of them, even the one from the dairy, you can see yourself, the one from the dairy they were not less than 45.

CHAIRPERSON: Yes.

MR ALBERT DOCTOR RADEBE: Mine are exactly 45.

CHAIRPERSON: Thank you Mr Radebe. Is there anything really that
20 still needs to be covered, you still need to cover?

ADV ZINHLE BUTHELEZI: There's just one issue Chair, that when we consulted with you in Vrede there was a group of men that walked to the venue where the consultation was taking place. Are any of these enforcers part – were any of these enforcers part of that group?

MR ALBERT DOCTOR RADEBE: Chair when we were sitting in that

room, the first time you came to Vrede, one of those people, of that group which assaulted me, it was Frans Magwena who got, then the other one are his friends, they were not involved in...(intervention).

ADV ZINHLE BUTHELEZI: But Frans Magwena was one of them?

MR ALBERT DOCTOR RADEBE: Yes Frans Magwena was there.

ADV ZINHLE BUTHELEZI: Is there anything that you'd like to share with the Commission?

MR ALBERT DOCTOR RADEBE: Yes I do.

ADV ZINHLE BUTHELEZI: Yes proceed.

10 **MR ALBERT DOCTOR RADEBE:** Through you Chair, there are three cases with regards to this dairy – Vrede Dairy Project scam, those cases includes murder they are related in murder. The first murder which did happen I think it was in 2013 where a guy was hijacked, I don't know kidnapped or hijacked by the name of Moses Chauke, he was – in February 2013 and then he eventually died in 2015, around there – I mean in May 2013. He was hijacked in February 2013 then died in the hospital, the same year in May and the guy was working in the office of the Department of Agriculture and he was against this dairy thing.

20 **CHAIRPERSON:** This dairy farm project?

MR ALBERT DOCTOR RADEBE: Yes, and up to so far I followed his story, the perpetrators, even today they are not arrested.

CHAIRPERSON: Do you know whether they are known?

MR ALBERT DOCTOR RADEBE: No not yet because he was (indistinct) I just read (indistinct) story on the newspaper he was in

Bethlehem but the other two which I'll speak – I will talk about now are those two cases, I worked on those two cases personally, hands-on, I know what was going on in those cases. The first case is the case of the guy in Warden, he was my friend, when I got to Warden – Warden is one of the (indistinct) Mpumelela , I used to go to him then, his name was Vusi Mlaba, he was also a farmer then he – they were not in good terms with Mr Zwane because I believe if that guy – that guy was also an emerging farmer, he was supposed to be included in this project of the dairy milk, but because now he was standing on the opposite side
10 then he was not included but I know he was an emerging farmer. The guy was killed, was mowed down with plenty bullets, I worked on his case then his case I can assure you it was a pure cover-up.

CHAIRPERSON: Well how far are the police with the investigating his murder, do you know?

MR ALBERT DOCTOR RADEBE: The case just disappeared, the investigator kept on ducking, ducking then eventually never surfaced in Warden, then the case was – the case end up like that, no-one was arrested till today.

ADV ZINHLE BUTHELEZI: Who was the investigator, do you know?

20 **MR ALBERT DOCTOR RADEBE:** I can speak to the family of that guy then maybe they can give me the exact name but the investigator was from Bethlehem it was not a person from Warden, it was a special person from Bethlehem, that case disappeared.

CHAIRPERSON: And the third case, or was that the third case?

MR ALBERT DOCTOR RADEBE: That was the second case, then there

– the third case is the case which happened last year of Mr Philemon Ngwenya, it happened in Vrede.

CHAIRPERSON: Oh yes, I – well I've been told about that one.

MR ALBERT DOCTOR RADEBE: He was one of the beneficiaries.

CHAIRPERSON: I think the first one you mentioned also I've been told about yes.

MR ALBERT DOCTOR RADEBE: He was killed last year in October.

Then the police were working on the case, the case was transferred to NPA in the province, they are the ones who were working on the case
10 but on the ground there is this - one of the things that we mustn't take for granted is the public opinion, it's not true but you must follow it and see what's happening. That case even today the people who killed Mr Philemon Ngwenya are not arrested. If you go to Vrede, you look how small is Vrede and you look at the resources that the police have, in order to investigate cases you become suspicious that there is something that is like a cover up on these case, even today, the perpetrators or the people who killed Mr Philemon Ngwenya haven't been arrested yet. They arrested two guys they say there's not enough evidence then the case was thrown out of court but even today there is
20 no progress.

CHAIRPERSON: Okay no thank you very much. Those were the three cases you wanted to talk about?

MR ALBERT DOCTOR RADEBE: Yes Chair, maybe – the other one is in 2017, it was the end of 2017 in Mpumelelo Municipal storerooms did surface four brand new Range Rovers and when we followed on that

case we found that there was a document from the Department of Agriculture which said those cars were bought by the Department of Agriculture to fund the farmers with two Range Rovers then I don't know whether that case can fall in this Commission because up to now then the community, everybody, we are at a loss, we don't know what happened with that case.

CHAIRPERSON: Yes, no I suggest that you speak to the legal team and the investigators, give them whatever information you have of cases that you think should be brought to the attention of the
10 Commission, they will look at them and they will know if they fall outside of what the Commission is looking at or not.

MR ALBERT DOCTOR RADEBE: Okay Chair.

CHAIRPERSON: Okay.

MR ALBERT DOCTOR RADEBE: Okay, maybe for the last one Chair, I'll ask the Commission – I think this is the last resort for us as whistle blowers and people on the ground to speak to and may we please, the Commission look at one of the specific things or the harassment that the whistle blowers get, it's not just the physical one, these things go deep – deep, deep, deep and it puts the lives of the people who speak
20 out at risk and most of the time then we live in fear and it's not good to live in fear in a democratic country as if you are lawlessness country, I think that the Commission, may you please look onto that thing, it doesn't effect individuals as such alone, it also affects people who are close to the individual who was speaking out. That will be my humble plea to the Commission.

CHAIRPERSON: Okay no, I think that's very important, it's a point that has been made by others who have come before the Commission as well. If you have any information relating to, what you refer to as harassment of whistle blowers and those around them, also talk to the legal team so that maybe another statement can be prepared which can be sent to the Commission and you indicate what you'd like to highlight to the Commission to such harassment.

MR ALBERT DOCTOR RADEBE: Thank you Chair.

CHAIRPERSON: Yes, thank you very much for having come to give
10 evidence, before the Commission, we are grateful to you for having done that, if a need arises you will be contacted and asked to come back again but thank you very much for coming forward. You are excused for now.

MR ALBERT DOCTOR RADEBE: Thank you very much.

CHAIRPERSON: We are going to take the tea adjournment now, the time is twenty-five to twelve, the – I'll take a twenty minute rather than a fifteen-minute tea break, we'll resume at five to twelve. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

20 **ADV LEAH GCABASHE:** Morning again DCJ.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE: DCJ we are preparing to lead the evidence of Ms Willie or Willie Basson. This morning he asked for an interpreter who could assist him with the translation from English to Afrikaans, Afrikaans to English.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE: That was arranged this morning but I believe the interpreter has not taken the oath.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE: The relevant oath yet.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE: So I will request DCJ is that we just stand down until we have dealt with the formalities.

CHAIRPERSON: Yes.

10 **ADV LEAH GCABASHE**: And then we will resume.

CHAIRPERSON: Okay no alright we will – I will stand the matter down so that those formalities can be done before we can proceed. Hopefully fifteen minutes should be enough.

ADV LEAH GCABASHE: We will let you know as soon as it is sorted out DCJ.

CHAIRPERSON: Okay we adjourn.

ADV LEAH GCABASHE: Thank you.

REGISTRAR: All rise.

MEETING ADJOURNS

20 **HEARING RESUMES**

CHAIRPERSON: Yes Ms Gcabashe.

ADV LEAH GCABASHE: Thank you Chairman. Our next witness is a Mr Willie Basson he has requested the services of an interpreter who will translate for him from English to Afrikaans, Afrikaans to English Chairman.

CHAIRPERSON: Yes. The – I have administered the appropriate oath to the interpreter who will interpret for us in these proceedings. Thank you.

ADV LEAH GCABASHE: The Exhibit bundle Chairman is Exhibit HH7. We will also make a brief reference to the media bundle Chairman.

CHAIRPERSON: Okay the file containing the statement of Mr Willie Basson I am saying Willie Basson maybe it is Willie Basson will be marked Exhibit HH7

ADV LEAH GCABASHE: Chair might I just again say that there is a
10 template that was followed in the preparation of these affidavits. We concede it is not a sworn affidavit and we will make sure that any new ones that come just refer to...

CHAIRPERSON: Will either be a sworn statement or just affidavit.

ADV LEAH GCABASHE: Indeed so. All I am pointing out is we have taken the lesson. Thank you DCJ.

CHAIRPERSON: Okay. Thank you.

ADV LEAH GCABASHE: Yes. Mr Basson's evidence revolves around three major areas DCJ.

CHAIRPERSON: Yes.

20 **ADV LEAH GCABASHE**: The one he – the – his observations on the machinery and equipment that was used to construct the processing plant at the Vrede dairy farm. The second will be dealing with the death of cattle and his role in assisting in that regard. The third one will be about the people he encountered on the farm. So there are one or two completely different pieces of evidence you will be able to get

from this witness Chairman.

CHAIRPERSON: No that is fine.

ADV LEAH GCABASHE: Mr Basson do you have Exhibit HH...

CHAIRPERSON: Let us get him sworn or let him do an affirmation first is it not?

ADV LEAH GCABASHE: Yes. Thank you Chairman.

CHAIRPERSON: Yes. The interpreter will interpret the oath as well. Mr Interpreter you can use the microphone on this side. Ja stand up. Ja put it on. Yes. You will interpret the oath as well.

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

MR WILLEM BASSON: Willem Basson Mr Chair.

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

MR WILLEM BASSON: No.

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

MR WILLEM BASSON: Yes.

REGISTRAR: Do you swear that the evidence you

CHAIRPERSON: I am sorry what was the answer?

20 **MR WILLEM BASSON**: Yes My Lord.

CHAIRPERSON: Oh.

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 WILLEM BASSON: The witness is sworn in Mr Chairperson.

CHAIRPERSON: Thank you very much. Yes are you ready? Does the interpreter have a separate copy of Exhibit HH?

ADV LEAH GCABASHE: He does DCJ.

CHAIRPERSON: Oh okay.

ADV LEAH GCABASHE: Yes.

CHAIRPERSON: Okay. Thank you.

ADV LEAH GCABASHE: Mr Basson if we look at the document that you have presented to the commission could you please go to page 1 of that document?

10 **MR WILLEM BASSON**: Yes.

ADV LEAH GCABASHE: Whose name is recorded on page 1?

MR WILLEM BASSON: My names Mr Commissioner.

ADV LEAH GCABASHE: Thank you. If you then go to page 6 of the same document. The first signature just below paragraph 22 where the word deponent appears, whose signature is that?

MR WILLEM BASSON: I am just perusing for page 6. I do have it.

ADV LEAH GCABASHE: Whose?

MR WILLEM BASSON: Chairperson the signature appearing here it is mine.

20 **ADV LEAH GCABASHE**: On what date did you depose to this document and where did you depose to it?

MR WILLEM BASSON: It was on the 26 June and in Vrede Chairperson.

ADV LEAH GCABASHE: Yes thank you. Mr Basson are there any corrections even if they are minor corrections that you wish to make to

the statement?

MR WILLEM BASSON: Chairperson I delivered million rand fodder for them.

CHAIRPERSON: Okay I am sorry. You might not have understood what the question was. The question was whether there are any corrections in your affidavit that you would like to bring to my attention?

MR WILLEM BASSON: There is nothing Chairperson.

CHAIRPERSON: Thank you.

ADV LEAH GCABASHE: Chairperson I will – we will take – it is a very
10 minor one and we can deal with it.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE: In the supplementary.

CHAIRPERSON: No that is fine.

ADV LEAH GCABASHE: It really is not a material change.

CHAIRPERSON: Okay.

ADV LEAH GCABASHE: Thank you. Mr Basson where do you live?

MR WILLEM BASSON: Chairperson I reside in Vrede, 61 Garrick Street.

ADV LEAH GCABASHE: Do you have a home in any other town?

20 **MR WILLEM BASSON**: I do Mr Chairperson.

ADV LEAH GCABASHE: And is there anything of interest – that might be of interest to the commission in relation to where you live – where your other home is and who your neighbours might be?

MR WILLEM BASSON: No Chairperson.

ADV LEAH GCABASHE: Mr Basson your business premises where are

those located?

MR WILLEM BASSON: I do my business in number 1 Kerkstraat in Standerton – I beg your pardon in Vrede. And I do have another business in Vrede – in Standerton Vrystraat.

ADV LEAH GCABASHE: Yes. Do you have a home in Warden?

MR WILLEM BASSON: Chairperson I do have a home as well as a business in Warden.

ADV LEAH GCABASHE: Yes. How far is your business from the Vrede dairy farm in terms of kilometres?

10 **MR WILLEM BASSON:** A maximum of 8 kilometres Mr Chairperson.

ADV LEAH GCABASHE: And here you referring to the distance between Vrede Town and the Vrede dairy farm.

MR WILLEM BASSON: Indeed so My Chairperson.

ADV LEAH GCABASHE: How long have you been conducting the business of a construction company in Vrede?

MR WILLEM BASSON: From 1987. I beg your pardon from 1978.

CHAIRPERSON: Yes okay you do not need to come close to the microphone. But you must not be too far but if you are where you are it should be able to work well. Yes.

20 **MR WILLEM BASSON:** I do understand Chairperson.

ADV LEAH GCABASHE: Yes. Thank you. You also in your paragraph 5 refer to hiring out earth moving equipment, plant and machinery. Is that part of the construction company?

MR WILLEM BASSON: Indeed My Lord. Indeed Chairperson.

ADV LEAH GCABASHE: You are a farmer and you are well versed in

cattle farming you say?

MR WILLEM BASSON: Yes Chairperson.

ADV LEAH GCABASHE: How long have you been a farmer?

MR WILLEM BASSON: Chairperson from 2000.

ADV LEAH GCABASHE: And do you farm in dairy cows or in what is colloquially called red meat cattle.

MR WILLEM BASSON: I do business with meat cows as well as a game.

CHAIRPERSON: As well as?

10 **MR WILLEM BASSON**: As well as game.

CHAIRPERSON: Oh okay.

MR WILLEM BASSON: May I say something Chairperson?

ADV LEAH GCABASHE: Yes continue.

CHAIRPERSON: Yes.

MR WILLEM BASSON: I have just sold the farm recently with the cows.

ADV LEAH GCABASHE: Is this the game farm or the cattle farm?

MR WILLEM BASSON: Chairperson both. Both of them.

CHAIRPERSON: Okay.

20 **ADV LEAH GCABASHE**: Have you ever had any interest in dairy farming?

MR WILLEM BASSON: No.

ADV LEAH GCABASHE: But you say you know the farmers who in the farming committee?

MR WILLEM BASSON: I do have knowledge about the others who are

doing business with the milk cows but myself I for one I do not have any one.

ADV LEAH GCABASHE: Yes. There are four farmers – commercial farmers who were leasing the Krynaauwslust farm in the municipality, do you know them?

MR WILLEM BASSON: Yes I do Chairperson.

ADV LEAH GCABASHE: They are the ones who were moved off the property and the Vrede dairy farm was then established on that same farm.

10 **MR WILLEM BASSON:** Ja it is correct so. Yes it is correct so one of the farms Chairperson it is Krynaauwslust.

ADV LEAH GCABASHE: Were those particular commercial farmers dairy farmers?

MR WILLEM BASSON: No.

ADV LEAH GCABASHE: Okay. Let us talk about Estina and the Vrede dairy farm. You say that you were contacted in or about 2012 by people who wanted you to assist at the dairy farm.

MR WILLEM BASSON: Ja it is so.

20 **ADV LEAH GCABASHE:** I think it will be of interest to the Chairman to know if it is the people who were running and operating and managing the dairy farm who contacted you or completely different set of people.

MR WILLEM BASSON: CP Prasad Chairperson and this person was from India.

ADV LEAH GCABASHE: What did he ask you to assist with?

MR WILLEM BASSON: He wanted me to come and help at the farm

with roads, dams which was – were supposed to be built on the farm.

ADV LEAH GCABASHE: Roughly when might this have been 2012, 2013 I do not know if you can recall?

MR WILLEM BASSON: I am not so sure about the date or the year but it was around 2012 to 2013 I am not certain about the exact time.

ADV LEAH GCABASHE: The commission has heard evidence that by December 2012 the basic farm was up and running. Would you agree that by December 2012 the farm itself the operations were up and running?

10 **MR WILLEM BASSON:** Not in full operation Chairperson partly.

ADV LEAH GCABASHE: I am satisfied with that answer but would like you to explain where you then fitted in and the services you provided fitted in to establishing this farm?

MR WILLEM BASSON: Yes indeed so we were busy or I was busy building up a build – a big store or I beg your pardon – I beg your pardon Chairperson I just want the correct name for

CHAIRPERSON: A shed.

MR WILLEM BASSON: I thank you.

ADV LEAH GCABASHE: A shed.

20 **CHAIRPERSON:** A shed.

MR WILLEM BASSON: A shed.

CHAIRPERSON: A shed oh okay.

MR WILLEM BASSON: A big shed thank you Chairperson.

CHAIRPERSON: Ja okay.

ADV LEAH GCABASHE: Just to assist you in recollecting the events in

a chronological order when I look at your paragraph 7 you talk about enlarging the dam on the farm. Would you have done that before you built the shed?

MR WILLEM BASSON: No.

ADV LEAH GCABASHE: So you put the shed up before you built the dam?

MR WILLEM BASSON: Built the dam. Indeed so Chairperson.

ADV LEAH GCABASHE: You also speak about levelling the place out and compacting the farm surface. Would that have been one of the first
10 tasks you undertook?

MR WILLEM BASSON: Yes.

ADV LEAH GCABASHE: When you were working on the farm were there any cattle at all on the farm?

MR WILLEM BASSON: Many of them.

ADV LEAH GCABASHE: Now let us take this slowly please Mr Basson. So you start off by arriving and compacting the ground and levelling it. Were there cattle on the farm when you were doing that?

MR WILLEM BASSON: Chairperson the cattle were already on the farm because they – they are going – they are being milked – at the
20 time when they are milked Chairperson they formed a circle.

ADV LEAH GCABASHE: When – when you observed that am I correct to say that the milking shed had not been set up yet? The milk processing plant, there was nothing there which is why you were compacting the ground?

MR WILLEM BASSON: There was a small shed with a little concrete.

ADV LEAH GCABASHE: Had you been to this farm before you were invited to go there by Mr Prasad?

MR WILLEM BASSON: Chairperson indeed so I was there.

ADV LEAH GCABASHE: So were the buildings you describe when you came to compact the place there already?

MR WILLEM BASSON: No.

ADV LEAH GCABASHE: That is fine.

CHAIRPERSON: How long prior to this visit to the farm had you been – how long before had you been to the farm before this particular visit?

10 **MR WILLEM BASSON:** I was about three to four years before that particular time Chairperson because my duties or my contract is linked to repair the municipality things as well.

CHAIRPERSON: Okay thank you.

ADV LEAH GCABASHE: But the farm was owned by private individuals before it was bought by Estina, am I correct?

MR WILLEM BASSON: No.

ADV LEAH GCABASHE: Who – who owned the farm before it was sold – the farm and I am talking about the farm with the buildings that were there before it was sold to Estina?

20 **MR WILLEM BASSON:** Chairperson it was the municipality and the person who was in the forefront of that was Krynaauwslust farming.

ADV LEAH GCABASHE: Can I just spell that Chairman? It is Krynaauwslust farm.

MR WILLEM BASSON: Yes it is correct so.

ADV LEAH GCABASHE: Had the municipality been leasing that farm

out to private individuals prior to Estina arriving?

MR WILLEM BASSON: Initially Chairperson it was not a private person who was occupying or working on the farm it was – it was councillor...

CHAIRPERSON: Municipality farm.

MR WILLEM BASSON: Yes it is so Chairperson.

ADV LEAH GCABASHE: No a Raadslede is what he said who occupied it.

MR WILLEM BASSON: Ja.

CHAIRPERSON: Meaning that council leaders?

10 **MR WILLEM BASSON**: Ja. They had a farmer who was farming for them.

CHAIRPERSON: So was it before Estina, was it leased to members of the council who had a farmer who was helping – who was running it?

MR WILLEM BASSON: Krynaauwslust was the one who was occupying the land and doing the farming but he was doing that for the municipality.

CHAIRPERSON: Okay thank you.

ADV LEAH GCABASHE: Then you say at paragraph 8 that in or about March 2013 you were asked to attend to drainage and construction
20 relating to the cattle sheds.

MR WILLEM BASSON: It is indeed so Chairperson because that trench it is a very big trench. That particular trench it is being used to suck the urine of the cattle.

CHAIRPERSON: Before we proceed. Mr Gcabashe we normally go – break for lunch at one but we propose to continue until half past one

and take the lunch break from half past one to half past two. Would that be fine with you Mr Basson and Mr Interpreter?

INTERPRETER: That will be fine for me Chairperson.

CHAIRPERSON: Yes and for Mr Basson is that fine?

MR WILLEM BASSON: It is right Chairperson.

CHAIRPERSON: Okay thank you.

ADV LEAH GCABASHE: So just in relation to the cattle sheds that you were asked to assist with you have annexed as WB1 the invoice you sent to Estina PTY Limited. At page 7 you will find the invoice.

10 **CHAIRPERSON:** 7 will be written 07 – WB07 that will be 7. At the top.

ADV LEAH GCABASHE: Under the first tab, tab number 1.

CHAIRPERSON: Can you see the yellow tab.

ADV LEAH GCABASHE: You will find the invoice.

CHAIRPERSON: The yellow tab.

ADV LEAH GCABASHE: No his are different Chairman.

CHAIRPERSON: Oh they are different colours.

ADV LEAH GCABASHE: Yes. So just where number 1 is written there is an invoice there dated the 27 November 2013.

20 **CHAIRPERSON:** Please ask the people who prepared these things to make sure that we all have exactly the same thing including the colours of the dividers.

ADV LEAH GCABASHE: We will do that Chairman.

CHAIRPERSON: I think go and assist them. You see if the divider was yellow with them it would be easy.

ADV LEAH GCABASHE: And the amount of the invoice is R6 384.00.

MR WILLIE BASSON (through interpreter): Yes. I can see that.

ADV LEAH GCABASHE SC: The important fact here is that the invoice went to Estina (Pty) Ltd.

MR WILLIE BASSON (through interpreter): It is correct so Chairperson.

ADV LEAH GCABASHE SC: I point it out Mr Basson because you say in your statement that there were other subcontractors.

MR WILLIE BASSON (through interpreter): Chair the subcontractors that they have just left and they said it is very expensive and they –
10 they are overcharged. There is something which I want to mention.

CHAIRPERSON: Yes.

MR WILLIE BASSON (through interpreter): And the other private contractor is Koos. I do not know where he is his ...

ADV LEAH GCABASHE SC: You have mentioned him in your paragraph 6 Mr Koos Eksteen.

MR WILLIE BASSON (through interpreter): Yes.

ADV LEAH GCABASHE SC: And you have also mentioned a Mr A Floris – F-L-O-R-I-S.

MR WILLIE BASSON (through interpreter): It is so and they had
20 another contractor at Estina and they did not have any machinery and they hired me to come and do the job.

ADV LEAH GCABASHE SC: So the contractor who had been employed by Estina and you have here mentioned EG Construction.

MR WILLIE BASSON (through interpreter): *Ja*, it is correct so. It is correct so Chairperson. It is Koos Eksteen.

ADV LEAH GCABASHE SC: They had no machinery. So you brought yours in from your company and worked with them on the property.

MR WILLIE BASSON (through interpreter): It is correct so Chairperson. This Koos Chairperson he was in engineering but he did not have any machinery. So he hired me to come and help out.

ADV LEAH GCABASHE SC: Your invoices however were not to EG Construction. All your invoices went to Estina (Pty) Ltd.

MR WILLIE BASSON (through interpreter): No. There are invoices which I sent to Koos Eksteen not EG.

10 **ADV LEAH GCABASHE SC:** We will come back to that because most of the invoices that you have given us here just the ones here are directed either at Estina (Pty) Ltd or at Vrede Dairy Projects. Now can you explain to the Chairman who Vrede Dairy Projects are?

MR WILLIE BASSON (through interpreter): I can just answer you there. I had my office there. I had an office there and all my – my invoices I used to – to send them out to – to Estina not EG.

CHAIRPERSON:

ADV LEAH GCABASHE SC: No, no. That is not what he said. Please – can you please repeat your answer?

20 **MR WILLIE BASSON (through interpreter):** I had my office there and all my invoices I used to send them to Estina.

ADV LEAH GCABASHE SC: I am sorry to - to repeat this. I am understanding you to say Mr Basson that when you were preparing this affidavit you asked your office PA to simply pull out the Estina invoices and the Vrede Dairy Farm invoices and that is the reason you do not

have the invoices from the other subcontractors. Please correct me if my Afrikaans is so poor that I have misunderstood you.

MR WILLIE BASSON (through interpreter): Chairperson at the time when I requested my secretary I told her or him that I want Estina or Vrede Dairy. I do not want EG's invoices.

ADV LEAH GCABASHE SC: Yes. That is what I understood you to say but that does not explain to the Chairman who Vrede Dairy Projects is. Are you then saying Vrede Dairy Projects was really Estina (Pty) Ltd?

MR WILLIE BASSON (through interpreter): Listen Estina Dairy has
10 its own invoice ...

ADV LEAH GCABASHE SC: No.

MR WILLIE BASSON (through interpreter): And Vrede Dairy was taken by the province.

ADV LEAH GCABASHE SC: I am sorry Chairman. I - I actually spent time at the University of Natal. We had to do Afrikaans. It was compulsory.

CHAIRPERSON: Well ...

ADV LEAH GCABASHE SC: So I do understand.

CHAIRPERSON: Yes.

20 **ADV LEAH GCABASHE SC:** I am very poor at speaking it but I understand it ...

CHAIRPERSON: Yes, yes.

ADV LEAH GCABASHE SC: And what I understood Mr Basson to say is Estina *was die Guptas se* whatever. It belonged to the Guptas ...

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: And that has not come through in the translation.

CHAIRPERSON: Okay. No I - I must confess I am no longer good in Afrikaans as I once was when I was at high school and I think my Afrikaans is - yours is definitely better than mine but the longer I hear it the better I become. I improve all the time. So, okay. Now Mr Interpreter just listen carefully to the questions as well as to the answers.

As you - as you heard counsel is saying she heard Mr Basson
10 saying certain things which were not translated accurately. So just try
your best - and I think she will go back to that question - try your best
to interpret accurately on both sides.

INTERPRETER: Pardon me Chairperson.

CHAIRPERSON: Yes, okay thank you. So you may go back to that aspect and get clarification.

INTERPRETER: I thank you. I thank you Chairperson.

ADV LEAH GCABASHE SC:

CHAIRPERSON: Thank you.

ADV LEAH GCABASHE SC: I will also try and keep my questions
20 shorter. It will assist.

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

ADV LEAH GCABASHE SC: Can I then ask you Mr Basson to confirm what you said? No. I am sorry Chairman that is not the question I asked.

CHAIRPERSON: Yes, yes, yes. Okay. Mr Interpreter just listen

carefully. Just interpret just what counsel is saying and no more and then when Mr Basson answers just interpret what Mr Basson says and no more. Okay, alright.

INTERPRETER: Chairperson let me - let me confess.

CHAIRPERSON: Yes.

INTERPRETER: I forgot the name confess in Afrikaans. I am sorry.

CHAIRPERSON: Okay.

INTERPRETER: (Intervenues).

CHAIRPERSON: Okay.

10 **INTERPRETER:** It does not come in my mind. I beg your pardon Chairperson.

CHAIRPERSON: Okay.

INTERPRETER: I beg your pardon.

CHAIRPERSON: Alright. Okay, alright.

INTERPRETER: Pardon me Chairperson.

CHAIRPERSON: Okay, alright thank you. Thank you.

ADV LEAH GCABASHE SC: Chairman ...

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: I would like to just get clarity on this.

20 **CHAIRPERSON:** Yes.

ADV LEAH GCABASHE SC: You said Mr Basson Estina belonged to the Guptas. Is that right?

MR WILLIE BASSON (through interpreter): Yes it is correct so.

ADV LEAH GCABASHE SC: Then you were going to explain what Vrede Dairy Projects was.

MR WILLIE BASSON (through interpreter): The Vrede Dairy that belongs to the province.

ADV LEAH GCABASHE SC: The province owned Vrede Dairy?

MR WILLIE BASSON (through interpreter): The Province Free State from Bloemfontein.

ADV LEAH GCABASHE SC: What about that? Continue.

MR WILLIE BASSON (through interpreter): They are the ones who are operating the farm.

ADV LEAH GCABASHE SC: So there were at offices from the
10 Department of Agriculture in Bloemfontein?

INTERPRETER: Come again?

ADV LEAH GCABASHE SC: Department of Agriculture.

MR WILLIE BASSON (through interpreter): Yes. It is - yes it is correct so but - but I think they do have another name. I am not sure about it.

ADV LEAH GCABASHE SC: The other name we know is the Department of Agriculture and Rural Development shortened to DARD - D-A-R-D.

INTERPRETER: Shortened to?

20 **ADV LEAH GCABASHE SC:** D-A-R-D DARD.

CHAIRPERSON: A-R-D.

MR WILLIE BASSON (through interpreter): Chairperson the particular name which was mentioned now I do not know that name. There are so many tractors which are standing in my property and I was or I am the one who is repairing those tractors for them.

ADV LEAH GCABASHE SC: Mr Basson I will just ask. It could be the Free State Development Corporation also who - who hired your services.

MR WILLIE BASSON (through interpreter): Yes it might be so.

ADV LEAH GCABASHE SC: Okay. Most importantly from the invoices you have annexed. Not *meeste*. All of them used the same P O Box number.

INTERPRETER: P O Box 3?

ADV LEAH GCABASHE SC: It is P O Box/*Posbus* 349 Vrede.

10 **MR WILLIE BASSON (through interpreter):** *Ja*. It is correct so because their offices it is situated on the dairy farm on the milk farm.

ADV LEAH GCABASHE SC: Other than Mr Prasad who are the other people you met when you rendered services at the farm?

MR WILLIE BASSON (through interpreter): There were three Guptas. That is now the head of the family of the - the Guptas.

ADV LEAH GCABASHE SC: Please repeat your answer.

MR WILLIE BASSON (through interpreter): I had three people at the boilers. Those people are from India and I was introduced to them as the Guptas. Is there anything?

20 **ADV LEAH GCABASHE SC:** No. I am ...

CHAIRPERSON: You said something about the head of the family. What was that?

MR WILLIE BASSON (through interpreter): Chair it is these three Guptas which were mentioned in the - in the media. You - surely you know about them.

CHAIRPERSON: Did you meet all ...?

ADV LEAH GCABASHE SC: No complete - sorry Chairman.

CHAIRPERSON: *Ja.*

ADV LEAH GCABASHE SC: He has not completed the translation.

CHAIRPERSON: Okay, yes. Okay.

ADV LEAH GCABASHE SC: He continued to say they are from that family. That is the full sentence.

INTERPRETER: Thank you.

CHAIRPERSON: Just - just repeat the answer - the full answer.

10 **MR WILLIE BASSON (through interpreter):** Where the boiler was situated the containers were shipped in.

ADV LEAH GCABASHE SC: The boiler was shipped into the country in containers?

MR WILLIE BASSON (through interpreter): *Ja.*

ADV LEAH GCABASHE SC: Continue.

MR WILLIE BASSON (through interpreter): Three Indians came to me and at that stage I took everything out of the container and it is at the time when they came and they introduced themselves to me and these people were introduced to me because those people cannot just speak
20 English or anything.

ADV LEAH GCABASHE SC: Yes. So you have met Mr Prasad. You have met these three people who were introduced to you as Guptas?

MR WILLIE BASSON (through interpreter): *Ja.*

ADV LEAH GCABASHE SC: You have associated your meeting with the Guptas with the installation of the milk processing plant. Please

correct me if I am wrong.

MR WILLIE BASSON (through interpreter): *Ja.* They came there
Chairperson to come and build that thing.

ADV LEAH GCABASHE SC: To come and build the milk processing
plant.

CHAIRPERSON: Sorry. As I said my Afrikaans is - is not good but the
more Afrikaans I hear and the more Afrikaans I try to speak the better I
become. So Ms Gcabashe you have been very good in picking up. I
think you continue to be concerned.

10 **ADV LEAH GCABASHE SC:** I am very concerned Chairman.

CHAIRPERSON: You are very concerned?

ADV LEAH GCABASHE SC: Yes.

CHAIRPERSON: It may well be therefore that maybe we should try and
get another interpreter.

ADV LEAH GCABASHE SC: With all due respect ...

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: To Mr Sagitta.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: I think it would serve ...

20 **CHAIRPERSON:** *Ja.*

ADV LEAH GCABASHE SC: The objectives of the Commission better
...

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: If we did do that just for this particular
language.

CHAIRPERSON: Yes, yes.

ADV LEAH GCABASHE SC: Chairman I believe we could create space if we have to first thing tomorrow morning.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: If Mr ...we just need to talk to Mr Basson and see if it is amenable to his arrangements.

CHAIRPERSON: Yes, yes. Mr Interpreter counsel who as I have said understands Afrikaans better than me continues to be concerned about whether you are able to interpret accurately what the witness is saying
10 and what sometimes she is putting to the witness and her concerns are strong enough that we should try and get another interpreter. You understand that?

INTERPRETER: I do, I do Chair.

CHAIRPERSON: Yes, yes. Okay, thank you. Let me find out from - you can translate this - let me find out from Mr Basson whether he would be available tomorrow morning if we were to adjourn until tomorrow morning in order to try and get another interpreter.

MR WILLIE BASSON (through interpreter): Yes. I can sleepover.

CHAIRPERSON: Okay. Mr Interpreter you did not interpret.
20 Mr Interpreter interpret what I say - said. Would you be available to come back tomorrow morning Mr Basson if we adjourn so that we can get another interpreter?

MR WILLIE BASSON (through interpreter): Yes. I will sleepover.

CHAIRPERSON: Oh okay. No, no thank you. I think we will do that. The - in terms of the starting time the witness that you otherwise have

for tomorrow is supposed to take how long?

ADV LEAH GCABASHE SC: He will probably take about three to four hours Chairman.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: We actually had two set down for tomorrow but we could (intervenes).

CHAIRPERSON: Just repeat that please.

ADV LEAH GCABASHE SC: The - the first witness ...

CHAIRPERSON: *Ja.*

10 **ADV LEAH GCABASHE SC:** Is likely to take three hours possibly four. The report he goes through is quite an important one and the questions are detailed.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: The second witness however Chairman we might be able to speak to. He does not implicate anybody.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: So we had squeezed him in ...

CHAIRPERSON: *Ja.*

ADV LEAH GCABASHE SC: And because he is Johannesburg based

20 **CHAIRPERSON:** *Jm.*

ADV LEAH GCABASHE SC: We will ask him very politely if he either could come in the afternoon or just come when we come back ...

CHAIRPERSON: *Ja.*

ADV LEAH GCABASHE SC: And we then deal with his evidence then.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: Because he is local I believe he may even be able just to be on standby ...

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: And come in within an hour.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: If all indications are that we are going to finish by lunchtime and we can take his evidence after lunch.

CHAIRPERSON: Yes. No that is fine. So what time do you suggest we start tomorrow - 10 o' clock/half past nine?

10 **ADV LEAH GCABASHE SC:** Could we start at half past nine
Chairman?

CHAIRPERSON: Half past nine?

ADV LEAH GCABASHE SC: Yes.

CHAIRPERSON: *Ja.*

ADV LEAH GCABASHE SC: The interpretation takes a little longer.

CHAIRPERSON: Yes.

ADV LEAH GCABASHE SC: I am finding.

CHAIRPERSON: *Ja.*

ADV LEAH GCABASHE SC: So we need a buffer.

20 **CHAIRPERSON:** Okay, alright. We - we are going to then - we are going to adjourn and tomorrow we will start at half past nine. So if you could be back here tomorrow at half past nine Mr Basson.

MR WILLIE BASSON (through interpreter): That is right
Mr Chairperson.

CHAIRPERSON: No thank - thank you very much. We - we then

adjourn for now.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes Ms Norman.

ADV THANDI NORMAN SC: Good afternoon Mr Chairman.

CHAIRPERSON: Good afternoon.

ADV THANDI NORMAN SC: Thank you. Mr Chairman this afternoon
the legal team intended to present evidence of one witness but
10 unfortunately due to circumstances that were discussed in Chambers it
is not possible to do so and we are now seeking an adjournment of the
proceedings until tomorrow morning because I believe my learned
friend Ms Gcabashe still continues with her team tomorrow morning.

CHAIRPERSON: Okay, thank you. I was going to hear the evidence of
a certain witness. That evidence cannot be heard at this stage and its
hearing will be postponed until further notice. So we will adjourn for
the day and tomorrow we will proceed with the evidence relating to the
Estina Dairy Farm. We adjourn.

ADV THANDI NORMAN SC: Thank you Chair.

20 **REGISTRAR:** All rise.

INQUIRY ADJOURNS TO 26 JULY 2019