

COMMISSION OF INQUIRY INTO STATE CAPTURE

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10

18 FEBRUARY 2020

DAY 214

20

PROCEEDINGS RESUME ON 18 FEBRUARY 2020

CHAIRPERSON: Good morning Ms Hofmeyr, good morning everybody.

ADV KATE HOFMEYR: Good morning Chair.

CHAIRPERSON: Yes are we ready?

ADV KATE HOFMEYR: We are indeed.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: Thank you Chair.

CHAIRPERSON: Hm.

10 **ADV KATE HOFMEYR:** Can I just confirm that Mr X can hear us
clearly?

MR X (through interpreter): Yes I can.

ADV KATE HOFMEYR: Thank you.

CHAIRPERSON: Mr X the oath you took yesterday continues to apply.
You understand that?

MR X (through interpreter): Yes I do.

CHAIRPERSON: Okay thank you.

ADV KATE HOFMEYR: Thank you Chair. Mr X if you could please
have in front of you your affidavit bundle which is Exhibit DD31 and if
you turn to page 7 in that affidavit?

20 **MR X (through interpreter):** I am there.

ADV KATE HOFMEYR: Thank you. Mr X we finished yesterday at the
point at which you were going to tell us what you did with the funds
after they were received from Klomac Engineering. And you begin to
describe that in your affidavit at paragraph 29. What I would like to do
first is understand from you how the payment of those funds worked

generally and then we will go into the detail of each amount that was paid arising from the Klomac payment. So if we start generally what was the general process that would be followed after you received the money insofar as you were engaging with Mr Majola?

MR X (through interpreter): I will call him.

CHAIRPERSON: I am sorry. I think Ms Interpreter you may have missed something. Ms Hofmeyr said she wants to know from him the general process that he would follow when he had received money from – or when the money had come into his account.

10 **ADV KATE HOFMEYR:** Hm.

CHAIRPERSON: So it is the process in general and then later on they will go into details of each one. It is the process followed after he had received money before money would be paid over to the account designated by Mr Majola. No, no, no.

MR X (through interpreter): I am not sure if my response will be what is required of me.

CHAIRPERSON: Yes go ahead.

MR X (through interpreter): Okay. Immediately after the money is deposited into my account that will be indicated in my phone. Notify
20 me basically on my phone.

ADV KATE HOFMEYR: And then what would you do?

MR X (through interpreter): Then I will call him to inform him that the money has already been deposited into my account.

ADV KATE HOFMEYR: And is the him Mr Majola?

MR X (through interpreter): That is correct.

ADV KATE HOFMEYR: And then what would happen?

MR X (through interpreter): And then I will wait for further instruction from him as to how should I then use the money or what should I do with the money.

ADV KATE HOFMEYR: Thank you. Chair is there...

CHAIRPERSON: Please repeat your answer Mr Majola and then Ms Interpreter you can just listen carefully.

MR X (through interpreter): Okay like I said initially the money will be deposited into my account. My phone will notify me that there is money
10 deposited into my account then I will call him and then wait for his instructions as to what should I do after the money has been deposited into my account.

CHAIRPERSON: Did you say earlier on if he would tell you if he would be busy and then you would wait for him?

MR X (through interpreter): Okay. That is correct.

ADV KATE HOFMEYR: If he was busy would you phone him again later?

MR X (through interpreter): No because he is already aware.

ADV KATE HOFMEYR: Then would he come back to you when he was
20 able to do so?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Thank you. I would like to then move over to page 8 to look at what specifically happened to the R2 million...

CHAIRPERSON: Maybe Ms Hofmeyr.

ADV KATE HOFMEYR: Apologies Chair.

CHAIRPERSON: Just to complete the process. What would he usually say when he did get a chance to come back to you? Would he say he would be coming to the office so that an invoice – or would he tell you the account number where to pay the money into or would he come back to you and say something else?

MR X (through interpreter): Both. It happened both of the scenarios that you have just put him.

CHAIRPERSON: Would he sometimes come – would he sometimes say he was going to see you and then he would come and see you and
10 sometimes he would just call you and give you the account number?

MR X (through interpreter): I – I cannot hear him properly Chair because he is speaking...

CHAIRPERSON: Yes please raise your voice Mr X.

MR X (through interpreter): Okay. It would happen that he would come to my office and give me the account – or drop off the account numbers or telephonically he will give me the account numbers. Sorry. Oh the account number will be brought to my office written. Ja.

CHAIRPERSON: Oh he would not tell you the account number over the phone?

20 **MR X (through interpreter):** Okay I do not remember him doing it – telling me that.

CHAIRPERSON: So as far as you can recall all the time he brought the account number to you and it would be written in a piece of paper?

MR X (through interpreter): That is correct.

CHAIRPERSON: Okay and then after that has happened – had

happened what would you then do or what would your office do?

MR X (through interpreter): I would then give out an instruction that the money be deposited on the account number that is reflected on the piece of paper.

CHAIRPERSON: Would you give that instruction to your secretary?

MR X (through interpreter): That is correct she is the one who is able to do that.

CHAIRPERSON: Would that be – would it be her all the time or did you sometimes give the instruction to somebody else?

10 **MR X (through interpreter):** I would give this instruction to my – it is two of them. It is my daughter and my secretary so I will give the instruction to the two of them.

CHAIRPERSON: You would give the instruction to any one of them, is that right?

MR X (through interpreter): Correct.

CHAIRPERSON: Yes. Was your daughter working in your office?

MR X (through interpreter): She does work sometimes she will be there in the office, sometimes not. But she does have the authority – I am not sure the right to work in the office.

20 **CHAIRPERSON:** Ja. How – how – do you know how long it would take normally for the – for your secretary or your daughter to pay the money into the account designated by Mr Majola after you had given the instructions or after Mr Majola had dropped the information about the account?

INTERPRETER: How long Chair, is it how long?

CHAIRPERSON: Ja.

MR X (through interpreter): Immediately after I have instructed them or her.

CHAIRPERSON: Is Mr X asking for confirmation whether we want to know the time between he had – after he had given instructions to the time of payment or is he confirming that the payment would be immediate after he had given instructions?

MR X (through interpreter): Oh I was asking for clarity.

CHAIRPERSON: Yes. I am – the question was, from the time when
10 you gave – you would give instructions to your secretary or your daughter to pay the money to the time when your secretary or your daughter paid the money, how much time would that take? Would it be a day, would it be two day, would it be a week?

MR X (through interpreter): It would not be more than a day or two days Chair.

CHAIRPERSON: Thank you.

MR X (through interpreter): The problem would be the challenge sometimes would be the network that will affect that.

CHAIRPERSON: Okay thank you. Ms Hofmeyr.

20 **ADV KATE HOFMEYR:** Thank you. And – and actually just one further question to conclude the general procedure. We have spoken about transfers to bank accounts but did Mr Majola ever ask for money to be given to him in cash?

MR X (through interpreter): He would sometimes request me that I give him cash but I will be limited by the limit – my bank limit because

my bank will decline to give me the money that he is requesting. So because of the bank limit I will be unable to do so.

ADV KATE HOFMEYR: When he did request cash how did that happen?

MR X (through interpreter): Though this happened a long time but if I remember very well is that he would give me a call and ask me about my whereabouts to meet me and then he would come and request me that I withdraw money for him in cash that is.

ADV KATE HOFMEYR: Thank you. I would then like to go to the
10 specific transactions related to the R2 394 000.00 that was received from Klomac Engineering on the 26 January. And for this purpose if you can turn to page 8 of your affidavit in DD31 Mr X.

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: And paragraph 31.

MR X (through interpreter): I see it.

ADV KATE HOFMEYR: So at paragraph 31.1 you – let me just read the introduction. You say there:

“The amount of R2 349 000.00 save for the VAT portion.”

20 **CHAIRPERSON:** 394?

ADV KATE HOFMEYR: Sorry.

CHAIRPERSON: R2 394 000.00.

ADV KATE HOFMEYR: Sorry I might have said that incorrectly.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: Apologies. R 394 000.00 Chair thank you.

“Save for the VAT portion was paid out in the following tranches as per Mr Majola’s instructions. The first amount there is R150 000.00 was paid to Safeza Kohnke Engineering PTY Limited on the 2 February 2015.”

Do you see that?

MR X (through interpreter): Yes I see that.

ADV KATE HOFMEYR: I do not suggest that we need to go every time to the bank statement Chair but all of the bank statements are
10 attached.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: For each of these transactions.

CHAIRPERSON: Ja.

ADV KATE HOFMEYR: But I would like Mr X to clarify for us is, did you know what or who Safeza Kohnke Engineering was?

MR X (through interpreter): No I do not.

ADV KATE HOFMEYR: But can you confirm the amount of R150 000.00 was paid to Safeza Kohnke’s account on the 2 February 2015?

MR X (through interpreter): That – that is correct. Confirmed.

20 **ADV KATE HOFMEYR:** And – and can you confirm whether that was on Mr Majola’s instruction?

MR X (through interpreter): Yes I confirm.

ADV KATE HOFMEYR: Did – did Isibonelo ever do any work with or receive services from Safeza Kohnke Engineering?

MR X (through interpreter): No.

ADV KATE HOFMEYR: And then if we go to the second payment that appears from your affidavit to have been paid the next day. That was an amount of R850 000.00 which you say was paid on the 3 February 2015. Was that again in accordance with Mr Majola's instruction?

MR X (through interpreter): I confirm.

ADV KATE HOFMEYR: And then if we go to paragraph 31.3. Mr X what you describe there in the affidavit is that on the 11 February so that is just more than a week later after the second tranche was paid.

MR X (through interpreter): Yes I see that.

10 **ADV KATE HOFMEYR:** You explain that there was a transfer of that R1 million on the 11 February to a Money Market account of Isibonelo and then you later describe how that money came back into the Isibonelo account and was paid out. Can you just describe for us how that would occur?

CHAIRPERSON: One – one second. Ms Interpreter.

INTERPRETER: Yes Sir.

CHAIRPERSON: You must feel free to stop him.

INTERPRETER: Yes okay.

20 **CHAIRPERSON:** So that you can interpret because otherwise he might tell a long story and when you interpret you cannot remember everything.

INTERPRETER: Thank you Chair I will ...

CHAIRPERSON: Okay maybe let us start afresh.

MR X (through interpreter): My business has another account which is a Money Market account. If there is money to be deposited into the

business account and it not our money it is from the suppliers we will then deposit it to the Money Market. Would I please – may I repeat?

CHAIRPERSON: Yes please.

MR X (through interpreter): Okay.

INTERPRETER: I am not sure if I am getting him right. May I try and then Chair you would correct me.

CHAIRPERSON: Yes ja, no.

MR X (through interpreter): Okay. We have business account and then we also have a Money Market account. In the business account I
10 would like to place it on record that we also have our own income that goes into the business account. Then there will be monies from – for the suppliers that will also come into the business account. So what we would do is in order to avoid not using the money which is not ours but the suppliers we will then move it to the side meaning to the Money Market account.

CHAIRPERSON: Yes.

INTERPRETER: I think he needs – sorry may I correct?

CHAIRPERSON: Yes, yes. Do explain.

MR X (through interpreter): For an example the R2 million money that
20 was deposit – R2.3 million which was deposited into my business account if I have not removed it completely from the business account I will then transfer it into the Money account so that I can see my own income coming into my business account.

ADV KATE HOFMEYR: And then when would you bring it back into your business account?

INTERPRETER: Meaning the money that he moved to the side?

ADV KATE HOFMEYR: Indeed.

INTERPRETER: Ja. Would you please repeat and speak a little bit louder. I was trying to make it clear what I am requesting from him.

CHAIRPERSON: Okay. Yes okay.

MR X (through interpreter): I would wait for an instruction again that I should transfer it back to the business account so that once again to avoid my income as well as this money into the same account. So I will wait for an instruction to take it back into the business account.

10 **CHAIRPERSON:** No I think check – I think the instruction is for – is where to pay that money but paying it into the – his business account is just for his convenience for his business purposes. The instruction is where he should pay the amount – the money. Mr X do you hear me?

MR X (through interpreter): Yes. Ja you are correct.

CHAIRPERSON: The instruction you are talking about would that be an instruction to tell you where to pay the supplier's money – into which account?

MR X (through interpreter): Yes.

20 **CHAIRPERSON:** The instruction does not relate to you bringing your – the money from the Money Market account into your business account, is that right?

MR X (through interpreter): It is according to my own accord to decide where I keep this money. For instance if I have money which is about to come into the business account I will then instruct them to put this money aside on the Money account. Then when time comes for me

to pay this money into the instructed accounts then it would be my decision once again to move it back to the business account so that it would be convenient for me to be able to pay the monies into the said accounts.

ADV KATE HOFMEYR: Thank you for that. And as you record at paragraph 31.3 and the bank statements reflect it appears that R1 002 000.00 was transferred back into Isibonelo's business account on the 9 March 2015 and then R1 million was paid out to Safeza Kohnke again on the same date, do you confirm that?

10 **MR X (through interpreter):** Okay sorry, sorry about that.

CHAIRPERSON: I think do – do interpret.

INTERPRETER: Okay.

MR X (through interpreter): I confirm.

CHAIRPERSON: The R1 million that was transferred out to Safeza Kohnke is part of the R1 002 000.00 that you had transferred from or had been transferred from Money Market into your business account, is that right?

MR X (through interpreter): That is correct.

CHAIRPERSON: Okay.

20 **ADV KATE HOFMEYR:** Thank you Mr X. I would then like to at this point draw your attention to an affidavit of Mr Paton from Klomac Engineering. Chair I indicated yesterday that we had received a series of further affidavits from the other entities involved in this arrangement. They have been collected in one file which we propose be entered into the record as Exhibit DD28. That file comprises the affidavit of Mr

Khan to whom I made reference yesterday. The affidavit of Mr Shanga and the affidavit of Mr Paton. So if I could request that we enter that into the record and then ask Mr X to get that file in front of him.

CHAIRPERSON: *Ja.*

ADV KATE HOFMEYR: It says only Mr Khan's name on the spine, but it actually comprises Mr Khan, Mr Shange and Mr Paton's affidavits.

CHAIRPERSON: Well that is what has misled me.

ADV KATE HOFMEYR: Ah. I see.

CHAIRPERSON: Because I have been wondering where ...

10 **ADV KATE HOFMEYR:** Where ...

CHAIRPERSON: Mr Shange's affidavit is.

ADV KATE HOFMEYR: Oh sorry. That is an error

CHAIRPERSON: So ...

ADV KATE HOFMEYR: Simply on the spine Chair.

CHAIRPERSON: *Ja.*

ADV KATE HOFMEYR: We - we will correct that.

CHAIRPERSON: Will that be corrected?

ADV KATE HOFMEYR: Indeed.

20 **CHAIRPERSON:** *Ja.* The file containing the affidavits - actually should we not have Mr Khan's affidavit as - give it one exhibit maybe.

ADV KATE HOFMEYR: Yes.

CHAIRPERSON: Number 28A ...

ADV KATE HOFMEYR: Hm.

CHAIRPERSON: And then Mr Shange's one ...

ADV KATE HOFMEYR: Indeed.

CHAIRPERSON: A different exhibit number.

ADV KATE HOFMEYR: Chair, if I ...

CHAIRPERSON: Are there two of - of Mr Khan's one?

ADV KATE HOFMEYR: There is two of Mr Khan's. One of Mr Shange and one of Mr Paton and maybe what I can do is ...

CHAIRPERSON: Hm.

ADV KATE HOFMEYR: With reference to the starting page of each of them.

CHAIRPERSON: *Ja*.

10 **ADV KATE HOFMEYR**: Assist with the different exhibit numbers.

CHAIRPERSON: Yes. Yes.

ADV KATE HOFMEYR: So if I could propose that Mr Khan's affidavit and his supplementary be entered into the exhibit as DD28A.

CHAIRPERSON: Oh.

ADV KATE HOFMEYR: Is that suitable and then I indicate what pages it runs to.

CHAIRPERSON: Does the supplement only have annexures or it ...?

ADV KATE HOFMEYR: It does.

CHAIRPERSON: It does?

20 **ADV KATE HOFMEYR**: Yes.

CHAIRPERSON: Maybe let us do it as 28A and 28B.

ADV KATE HOFMEYR: Certainly.

CHAIRPERSON: So Mr Noffel Khan's main affidavit, would that ...

ADV KATE HOFMEYR: Indeed.

CHAIRPERSON: Be correct which was deposed to ...

ADV KATE HOFMEYR: On 4 December 2019.

CHAIRPERSON: On 4 December 2019 and its annexures will be admitted and marked as EXHIBIT DD28A and his supplementary affidavit deposited to ...

ADV KATE HOFMEYR: On 12 December 2019.

CHAIRPERSON: On 12 December 2019 and annexures to it will be admitted and marked as EXHIBIT 28 - DD28B.

ADV KATE HOFMEYR: We are indebted Chair and then if we can then also proceed to Mr Shange's affidavit.

10 **CHAIRPERSON:** Yes.

ADV KATE HOFMEYR: That commences at paginated page 1-2-7 ...

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: And I propose that be entered into the record as EXHIBIT DD28C and that is the affidavit deposited to by Mr Shange on 16 January 2020 and its annexures.

CHAIRPERSON: Yes. Mr Kolani Shange's affidavit deposited to on 16 January 2020 and annexures to it will be admitted and marked as EXHIBIT DD28C.

20 **ADV KATE HOFMEYR:** And then finally in this file if we turn to page 1-50 - 1-5-0. That is the first page of affidavit of Mr Colin Gordon Paton. That was deposited to on 11 November 2019 and I propose that it and its annexures be entered into the record as EXHIBIT DD28D.

CHAIRPERSON: The affidavit of Mr Colin Gordon Paton and annexures will - will be admitted and marked as EXHIBIT DD28D.

ADV KATE HOFMEYR: Mr X, what I would like to draw your attention to in the affidavit of Mr Paton is the following. Mr Paton explains at page 1-5-0 of EXHIBIT DD28D at paragraph 1 that he is the Managing Director of Klomac Engineering. Do you see that?

INTERPRETER: Is it paragraph 150?

ADV KATE HOFMEYR: It is page 150 paragraph 1.

MR X (through interpreter): I see it.

ADV KATE HOFMEYR: Have you ever met ...?

CHAIRPERSON: Hm.

10 **ADV KATE HOFMEYR:** Apologies.

CHAIRPERSON: He says he is the Managing Director of Klomac Engineering (Pty) Ltd. Just translate that Ms Interpreter.

INTERPRETER: Is it possible that I can have ...?

CHAIRPERSON: Do you not have ...?

ADV KATE HOFMEYR: Oh. Apologies. I thought you had been given the ...

CHAIRPERSON: Oh. I thought you ...

ADV KATE HOFMEYR: The full set.

INTERPRETER: No.

20 **CHAIRPERSON:** I thought you have - you must be given that.

ADV KATE HOFMEYR: Of course. Sorry. I think it was there yesterday. We might have ...

CHAIRPERSON: Oh.

ADV KATE HOFMEYR: Tidied it away. If we can beg leave just to approach the interpreter ...

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: For that purpose.

CHAIRPERSON: Hm.

ADV KATE HOFMEYR: Thank you Chair.

INTERPRETER: Thank you Chair.

ADV KATE HOFMEYR: Apologies Ms Khumalo.

CHAIRPERSON: And go to page 150 towards the end. Right at the end actually.

ADV KATE HOFMEYR: You will need page 1-5-0. I think it is after the
10 last divider.

CHAIRPERSON: It is the affidavit of Mr Colin Gordon Paton.

INTERPRETER: I have found it.

CHAIRPERSON: You found it. *Ja.* Okay. What Ms Hofmeyr sought Mr X to confirm is what is in paragraph 1.

MR X (through interpreter): Yes. I see that.

ADV KATE HOFMEYR: Have you ever met Mr Paton?

MR X (through interpreter): No. I have never.

ADV KATE HOFMEYR: Have you ever met anyone associated with Klomac Engineering?

20 **MR X (through interpreter):** I know no one.

ADV KATE HOFMEYR: And then I would like to draw your attention to page 1-6-0 - 160 of Mr Paton's affidavit - EXHIBIT DD28D.

MR X (through interpreter): (Answer not interpreted).

CHAIRPERSON: And in the meantime you confirm that not only have you not met Mr Paton, but also you have never spoken to him

telephonically?

MR X (through interpreter): I - I have never.

CHAIRPERSON: You have - you have had no communication with him at all?

MR X (through interpreter): No.

CHAIRPERSON: Okay. Thank you.

ADV KATE HOFMEYR: On that page 160 Mr X what Mr Paton does at paragraph 39 is he summarises what his understanding was of Isibonelo's role. Just to clarify Ms Khumalo. It - it is paragraph 39 on
10 page 160.

INTERPRETER: 39, page 160. *Ja.*

ADV KATE HOFMEYR: Yes. Do you see that?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: I would like to read into the record what Mr Paton says there, because what he has done up until this point in his affidavit Chair and Mr X is. He has explained the various transactions in which Klomac was involved and what Mr Paton indicates at paragraph 39 on that page is the following. He says:

20 "To the best of my knowledge and having worked in the industry it does transpire that on occasion during the course of the contract there may be contract instructions which require contract based charges for which no provision has been made in the Bill of Quantities. Isibonelo to the best of Klomac's knowledge is a nominated subcontractor

of the client ...”

Now that is a reference to Mhlathuze Water.

“...which carried out contract works for the client.”

Again a reference to Mhlathuze Water.

INTERPRETER: May I also read it so that I can understand it before I interpret it Chair?

CHAIRPERSON: *Ja*, read it. *Ja*. Yes.

ADV KATE HOFMEYR: And what I would like to ask Mr X is whether it is correct that Isibonelo was appointed as a subcontractor to Mhlathuze at any point after 2015?

MR X (through interpreter): I take you back. If I remember well. Can I just take you back?

ADV KATE HOFMEYR: Yes.

CHAIRPERSON: That is fine. *Ja*.

MR X (through interpreter): Okay. If I take you back. Remember I did mention that I was supposed to work as a subcontractor for Mhlathuze, but I waited for the documents and those documents I have never received them or signed them. So the answer would be, no. I have never signed the documents.

CHAIRPERSON: Yes. I think - I think he said he was waiting for those documents included in an appointment letter. Is that what you said?

INTERPRETER: Oh. My - my apologies - my apologies Chair.

CHAIRPERSON: Yes.

MR X (through interpreter): Yes.

CHAIRPERSON: Hm.

ADV KATE HOFMEYR: And did you ever do any work as a subcontractor to Mhlathuze from 2015?

MR X (through interpreter): No.

ADV KATE HOFMEYR: Thank you. Chair, just to make a note. The whole manner in which Bills of Quantities and - ooh, I see we have exceeded our time.

CHAIRPERSON: No. We have not actually.

ADV KATE HOFMEYR: Oh.

CHAIRPERSON: We started early.

10 **ADV KATE HOFMEYR:** Oh we - we started early. I am - I am sort of an hour out. So we do ...

CHAIRPERSON: *Ja.*

ADV KATE HOFMEYR: We can actually progress a bit.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: I just wanted to put a note in here. The - the first part of the paragraph that we read into the record there of Mr Paton is about how on the side of the contractors to Mhlathuze the Bills of Quantities would be adjusted for these payments, but I - I am just indicating. I am not traversing that with Mr X, because Mr X's
20 involvement does not ...

CHAIRPERSON: Require that.

ADV KATE HOFMEYR: See that side ...

CHAIRPERSON: Yes. *Ja.*

ADV KATE HOFMEYR: Of the arrangement.

CHAIRPERSON: *Ja.* No. That is fine.

ADV KATE HOFMEYR: If you will just explain that.

MR X (through interpreter): I understand.

ADV KATE HOFMEYR: Thank you. I would then like to return to your affidavit Mr X and that is in EXHIBIT DD31 at page 9.

MR X (through interpreter): Yes. I am on page 9.

ADV KATE HOFMEYR: Now what I am going to do Mr X is take you through a series of further invoices that were generated by Isibonelo and as I understand your affidavit you received instructions then to - to pay out the monies received and I am going to take you to each one
10 and ask you to confirm that that is what happened and where necessary I will ask you a few further questions about a particular invoice or a particular payment.

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Okay. So let us start at paragraph 33 on page 9.

MR X (through interpreter): Yes. I am on paragraph 33.

ADV KATE HOFMEYR: Now at paragraph 33 you start to describe an invoice that Isibonelo issued to Afrostructures and I would like to take you to that invoice. You will find it at page 46 - 4-6.

20 **MR X (through interpreter):** Yes. I see that.

ADV KATE HOFMEYR: What is the date of that invoice?

MR X (through interpreter): 08/04/2015.

ADV KATE HOFMEYR: Thank you and is that an invoice of which you are aware?

MR X (through interpreter): Yes. I am aware of it.

ADV KATE HOFMEYR: And the customer there is indicated as Afrostructures. Is that correct?

MR X (through interpreter): That is correct.

ADV KATE HOFMEYR: Have you ever had any dealings, telephonic, in person or otherwise with anyone from Afrostructures?

MR X (through interpreter): No.

ADV KATE HOFMEYR: There is a description of works on this invoice. It reads:

10 “Renovation of offices and conversion of garages to
 offices.”

And then there is an amount billed for that of R750 121,88.

MR X (through interpreter): Yes. I do see it.

ADV KATE HOFMEYR: Where did you get that description of works from?

MR X (through interpreter): The information contained here was brought by Mr Majola.

ADV KATE HOFMEYR: Did Isibonelo ever renovate offices or convert garages to offices for Afrostructures?

MR X (through interpreter): No.

20 **ADV KATE HOFMEYR:** And can we take it that your previous evidence about how these invoices would be generated and then taken away by Mr Majola applies to this invoice?

MR X (through interpreter): That is correct.

ADV KATE HOFMEYR: And then you received funds related to this invoice. You say that at page 10 on paragraph 35 on 17 April 2015. I

would like to take you to that bank statement and you will find that at page 48 - 4-8.

MR X (through interpreter): Yes. I am - I am on my bank statement.

ADV KATE HOFMEYR: And you will see highlighted towards the bottom of that page ...

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Is an amount of R872 234,74 received - it appears - on 17 April from Afrostructures. Can you confirm that?

MR X (through interpreter): Yes. I see it.

10 **ADV KATE HOFMEYR:** I would then like to deal with another set of invoices, because they happen at the same time and then we will speak about what you did with the monies after they were received into Isibonelo's bank account.

MR X (through interpreter): Understood.

ADV KATE HOFMEYR: So if we are now at page 10 of your affidavit - EXHIBIT DD31.

INTERPRETER: Is it - did you mention the paragraph?

ADV KATE HOFMEYR: Paragraph 36.

MR X (through interpreter): I see it.

20 **ADV KATE HOFMEYR:** That refers to a - a second invoice that the - that Isibonelo issued to Klomac and you will find it at page 50 - 5-0.

INTERPRETER: Did you say page 50?

ADV KATE HOFMEYR: 5-0, yes. Do you have that?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: What is the date of this invoice?

MR X (through interpreter): 08/04/2015.

ADV KATE HOFMEYR: And it is again addressed to Klomac Engineering for the attention of Mark Freeman. Your evidence previously was that you have had no dealings with Klomac Engineering and that you do not know who Mr Mark Freeman is. Does that apply to this invoice?

MR X (through interpreter): That is correct.

ADV KATE HOFMEYR: And the description of works there is:

“Refurbishment of office lift.”

10 Was Isibonelo involved in doing work refurbishing an office lift for Klomac Engineering at any point?

MR X (through interpreter): No.

ADV KATE HOFMEYR: And can we take it that your previous evidence applies here insofar as the description of work having been supplied by Mr Majola?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: And the total of that invoice including VAT was R866 680,67. Is that correct?

MR X (through interpreter): Yes. I see it.

20 **ADV KATE HOFMEYR:** And then just to take you to the bank statement where the funds pursuant to that invoice were received. You will find that at page 52 - 5-2 - of EXHIBIT DD31.

MR X (through interpreter): Yes. I am on page 52. I see page 52.

ADV KATE HOFMEYR: And you will see the highlighted entry on that page indicates that on 20 April 2015 there was a payment received from

Klomac Engineering in the amount of R866 680,67. Is that correct?

INTERPRETER: Is it 20 April 2015?

CHAIRPERSON: Okay. I think - I think you must just repeat the number. The amount - 866 000. Yes.

MR X (through interpreter): Yes. I see the amount.

ADV KATE HOFMEYR: And you confirm that Isibonelo received those funds?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: I would not like to turn to what was done after
10 those two amounts were received from Afrostructures and Klomac and
for that purpose if we could go back to your affidavit at page 11, Mr X.

MR X (through interpreter): Yes. I am on page 11.

ADV KATE HOFMEYR: So at paragraph 39 at the top of page 11 you
record in your affidavit that and I quote:

“Mr Majola instructed me to pay out the funds
received from Klomac and Afrostructures in the
following manner.”

You indicate that on the 31st of ...

CHAIRPERSON: Okay. Do you want to ...

20 **ADV KATE HOFMEYR:** Oh apologies.

CHAIRPERSON: Translate that portion? *Ja*.

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: And the first payment you reflect there was on
21 April 2015 and that was R600 000,00 paid to Sifezakonke. Do you
confirm that?

MR X (through interpreter): Confirm.

ADV KATE HOFMEYR: And can I ask whether the method of the process preceding this payment was the same as the one that you described generally earlier?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: So Mr Majola at some point after you alerted him to the fact that the funds had been received told you where to pay out those funds. Is that correct?

MR X (through interpreter): Yes.

10 **ADV KATE HOFMEYR:** Now on 21 April 2015 R600 000,00 was paid to Sifezakonke and you have already given evidence that you had previously amounts to Sifezakonke. Is that correct?

MR X (through interpreter): That is correct.

ADV KATE HOFMEYR: At paragraph 39.2 you indicate that the day later on 22 April 2015 an amount of R700 000 was paid to Isivunosami Trading. Is that correct?

MR X (through interpreter): Correct.

ADV KATE HOFMEYR: Now is Isivunosami Trading is a - is a new entity. How did you get the details of its account?

20 **MR X (through interpreter):** It was brought by Mr Majola.

ADV KATE HOFMEYR: Did you have any dealings telephonic or in person with any person from Isivunosami Trading when this payment was made or before or after it?

MR X (through interpreter): No. We have never met.

ADV KATE HOFMEYR: And do you know what ...

CHAIRPERSON: You have never met but did you ever speak to them, did you ever communicate with them in any manner whatsoever?

MR X (through Interpreter): No.

ADV KATE HOFMEYR: And did Isivuno Sami Trading ever provide any services or work to Isibonelo?

MR X (through Interpreter): No.

ADV KATE HOFMEYR: And then at paragraph 40 Mr X you begin for the first time to deal with the cash withdrawals which I understand from your affidavit were also done on the instruction of Mr Majola, I would
10 like to take you to those now.

MR X (through Interpreter): Yes.

ADV KATE HOFMEYR: What you recount at paragraph 40 is that there was an amount withdrawn from Isibonelo's account on the 17th of April 2015 for R30 000 and there was an amount withdrawn on the 21st of April 2015 for R100 000. Please can you tell us how it came that you withdrew those amounts?

INTERPRETER: The question was, sorry?

ADV KATE HOFMEYR: What are the circumstances around the withdrawal of those amounts?

20 **MR X (through Interpreter):** It was requested by Mr Majola.

ADV KATE HOFMEYR: And how ...[intervenes]

CHAIRPERSON: Both amounts?

MR X (through Interpreter): Yes but I am not sure if I am allowed to explain?

CHAIRPERSON: Ja, you can explain.

MR X (through Interpreter): May I place it on record Chair that looking at this amount, these are large amounts, in my company we do not do such transactions with these large amounts, it's only up to R10 000. If we are paying that we are doing, we transfer the money, hence I am saying it was not for my business, but it was requested by him, Mr Majola, to withdraw these amounts because we do not do these large amounts, it is only up until R10 000.

CHAIRPERSON: Do you mean that in your company at Isibonelo you don't do cash withdrawals exceeding R10 000?

10 **MR X (through Interpreter):** No, we don't do it.

CHAIRPERSON: Okay and you say that these – you say these cash withdrawals of R30 000 and R100 000 you say that they were requested by Mr Majola, is that because of the large amounts as you say or do you have a clear recollection that Mr Majola requested you to withdraw these specific amounts?

INTERPRETER: Though I don't understand the last part Chair but Chair may I interpret then I will be corrected?

CHAIRPERSON: No it's fine, let's ask him to repeat himself.

20 **MR X (through Interpreter):** Looking at my statement you will see the amount that is always contained in my bank statement, it is not a large amount, it is just a small amount of money.

CHAIRPERSON: Yes, continue Mr X.

MR X (through Interpreter): And then if you look at the money which has been deposited into our business account from Klomac, and the withdrawals, when you add them up together they will give you the

amount which has been deposited by Klomac, they will total to that amount which has been deposited into our business account by Klomac.

CHAIRPERSON: Yes thank you.

ADV KATE HOFMEYR: And then if we go over to page 12 of your affidavit Mr X.

MR X (through Interpreter): Yes, I am on page 12.

ADV KATE HOFMEYR: We are going to deal with the next invoice that Isibonelo generated to Afrostructures, I would like to take you to that invoice, you will find it at page 62, six two.

10 **MR X (through Interpreter):** Yes I am on page 62.

ADV KATE HOFMEYR: What is the date of that invoice

MR X (through Interpreter): 24.06.2015.

ADV KATE HOFMEYR: And I see that it is made out to Afrostructures and the description of the works is alteration to offices.

MR X (through Interpreter): Yes I see that.

ADV KATE HOFMEYR: Is the previous evidence you gave applicable to this invoice, insofar as you do not know Afrostructures, you have not had dealings with them and Isibonelo did not do work altering any offices for Afrostructures?

20 **MR X (through Interpreter):** Confirmed.

ADV KATE HOFMEYR: And then at paragraph 43 you record that Isibonelo received the funds from Afrostructures, that's back in your affidavit at page 12.

MR X (through Interpreter): Yes I see that paragraph.

ADV KATE HOFMEYR: I would like to go then to paragraph 44

because you describe there what instructions you received from Mr Majola after receiving that payment.

MR X (through Interpreter): I see that.

ADV KATE HOFMEYR: What did you do with the monies that were received on 24 July 2015 Mr X?

MR X (through Interpreter): Though I do not have the statement that would remind me.

ADV KATE HOFMEYR: I can take you to it Mr X. Let's go to page 6.

MR X (through Interpreter): I am on page 64.

10 **ADV KATE HOFMEYR:** There are two lines there highlighted in yellow, the first reflects a credit into the account, so money coming into the Isibonelo account and it indicates that it was from Afrostructures in the amount of R917 940.54. Do you confirm that that money was received?

MR X (through Interpreter): Yes I see it.

CHAIRPERSON: Let's get the number right. The amount is R917 940.54.

MR X (through Interpreter): Yes I see it.

CHAIRPERSON: Okay.

20 **ADV KATE HOFMEYR:** And three lines down on that page there is an indication of a cash withdrawal, it appears to be from Richards Bay 371 and it is in the amount of R60 000, do you recall the circumstances around that withdrawal?

MR X (through Interpreter): Yes I do.

ADV KATE HOFMEYR: What happened?

MR X (through Interpreter): Mr Majola requested cash money, cash.

ADV KATE HOFMEYR: And that appears to have been withdrawn on the following day, on the 25th of July, is that correct?

MR X (through Interpreter): That is correct.

ADV KATE HOFMEYR: And then if you go over to the statement for two days later you will find that at page 66.

MR X (through Interpreter): I am on page 66.

ADV KATE HOFMEYR: There is a highlighted portion there reflecting a payment into Sifezakonke Engineering of R600 000 on the 27th of July
10 2015, do you see that?

MR X (through Interpreter): Yes I see the amount.

ADV KATE HOFMEYR: What were the circumstances around that payment?

MR X (through Interpreter): I was complying with his instruction.

ADV KATE HOFMEYR: That's the instruction of Mr Majola?

MR X (through Interpreter): That is correct.

ADV KATE HOFMEYR: Mr X then I have to take you to page 68, because 68 is a continuation of your bank statement for the date of 27 July 2015, do you have that in front of you?

20 **MR X (through Interpreter):** Yes I am on it.

ADV KATE HOFMEYR: Now towards the bottom of that page there is a highlighted line, three lines from the bottom, and it reads as follows:

“See: payment confirmation SMS M Majola.”

MR X (through Interpreter): I see that transaction.

ADV KATE HOFMEYR: And that appears to have taken place on the

27th of July 2015, do you see that?

MR X (through Interpreter): Yes I see that.

ADV KATE HOFMEYR: Can you tell us how this SMS to M Majola arose?

MR X (through Interpreter): I don't know how it happened in terms of how the bank works, I don't know how it happened.

ADV KATE HOFMEYR: But do you have any knowledge of why there would be an SMS to M Majola after the R600 000 was paid to Sifezakonke?

10 **MR X (through Interpreter):** I wouldn't know, maybe this was done between Mr Majola and my secretary, because I am not good with computers, so I don't know exactly how it happened between maybe my secretary and Mr Majola as to how this sms went to Mr Majola.

ADV KATE HOFMEYR: Do you know any people with the initial M and the surname Majola other than the Mr Majola that you have been referring to in your testimony?

MR X (through Interpreter): No.

ADV KATE HOFMEYR: Thank you. We can then go over back in your affidavit to page 13.

20 **MR X (through Interpreter):** May I have a break?

CHAIRPERSON: Yes okay, I'm wondering whether we should just use it as a tea break.

ADV KATE HOFMEYR: I think so Chair, we are quite close.

CHAIRPERSON: We are quite close to it *ja*. Okay, let us take a tea break, after all we started earlier than normal.

ADV KATE HOFMEYR: Indeed.

CHAIRPERSON: It is five to eleven now, let us resume at quarter past eleven.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Yes, let's proceed.

ADV KATE HOFMEYR: Thank you Chair. Mr X can you hear us?

MR X (through Interpreter): Yes.

10 **ADV KATE HOFMEYR:** Mr X I am going to continue just going through systematically the different invoices and payments and for that purpose I would like you to be at page 13 of your affidavit, EXHIBIT DD31.

MR X (through Interpreter): Yes I am there.

ADV KATE HOFMEYR: Thank you, and you describe there at paragraph 46 another invoice that Isibonelo issued again to Klomac. I would like to take you to that invoice, you will find it at page 70, seven zero.

MR X (through Interpreter): Yes I am on page 70.

ADV KATE HOFMEYR: What is the date of this invoice?

20 **MR X (through Interpreter):** 24.08.2015.

ADV KATE HOFMEYR: Mr X I think the version you're looking at just because of how it is recorded in your affidavit, I think that is a 06, do you confirm it's 24.06.2015.

MR X (through Interpreter): Confirm yes.

ADV KATE HOFMEYR: Thank you. And again can I just get your

confirmation that the generation of this invoice followed the process that you described to us previous.

MR X (through Interpreter): Yes.

ADV KATE HOFMEYR: And let's just for the record record it is an invoice prepared on Isibonelo Construction letterhead, it is addressed to Klomac Engineering and the description of works is perimeter fencing for an amount of R400 000, and servicing of air conditioners for R401 382.

CHAIRPERSON: And 28 on mine.

10 **ADV KATE HOFMEYR:** Sorry, I misread, that is R401 328, thank you Chair.

MR X (through Interpreter): Confirmed.

ADV KATE HOFMEYR: And again ...[intervenes]

CHAIRPERSON: Once again do you confirm that the amount of R401 328 relates to according to the invoice to servicing air-conditioners?

MR X (through Interpreter): Yes I do confirm.

ADV KATE HOFMEYR: And just to clarify again did Isibonelo ever do perimeter fencing work or servicing of air-conditioners for Klomac
20 Engineering?

MR X (through Interpreter): No.

ADV KATE HOFMEYR: And did you receive the description of works for this invoice as you have described previously from Mr Majola?

MR X (through Interpreter): Yes.

ADV KATE HOFMEYR: I would then like to return to your affidavit at

page 13, paragraph 48.

MR X (through Interpreter): Yes, I am on page 13, paragraph 48.

ADV KATE HOFMEYR: At paragraph 48 you tell us what happened with the funds received from Klomac after that invoice was issued and I would like to just take you to those bank statements so you can confirm for us what happened with the funds. The first of those you will find at page 74. Page 74.

MR X (through Interpreter): I am on page 74.

ADV KATE HOFMEYR: You will see highlighted there is an entry on
10 the bank statement that on the 14th of August an amount of R149 000 appears to have been paid to Isivuno Sami, do you see that?

MR X (through Interpreter): Yes I see it.

ADV KATE HOFMEYR: Is your evidence given previously applicable here, insofar as the instruction to make that payment to Isivuno Sami came from Mr Majola?

MR X (through Interpreter): Yes.

ADV KATE HOFMEYR: And then if you go over to page 76, there are two transactions that happened three days later on the 17th of August 2015?

20 **MR X (through Interpreter):** I see the amount.

ADV KATE HOFMEYR: So the first one highlighted there appears to have been a cash withdrawal, again at Richards Bay, of R50 000, why was that money withdrawn?

MR X (through Interpreter): I was complying to the instruction.

ADV KATE HOFMEYR: From whom?

MR X (through Interpreter): Mr Majola.

ADV KATE HOFMEYR: Mr X can you help us there once these withdrawals were made how would the cash be given to Mr Majola?

MR X (through Interpreter): If I have personally withdrawn the money from the account I would call him and tell him that I have withdrawn the money he should come.

ADV KATE HOFMEYR: Would he come to you to collect it?

MR X (through Interpreter): Yes.

CHAIRPERSON: Ms Interpreter I just want to say if yesterday and
10 early this morning it looked like there were challenges in your interpretation, I think you have since improved considerably, you are doing quite well now.

INTERPRETER: Thank you very much Chair.

CHAIRPERSON: Okay, alright.

ADV KATE HOFMEYR: Thank you Chair. Sorry so we were at the point at which you indicated that Mr Majola would come to you to collect the cash, is that correct?

MR X (through Interpreter): Yes.

ADV KATE HOFMEYR: And you indicated there would be times when
20 you withdrew the cash, were there times when other people withdrew the cash?

MR X (through Interpreter): It was myself and my daughter.

ADV KATE HOFMEYR: And when your daughter would withdraw the money how would the cash be handed over?

MR X (through Interpreter): She would then call him.

ADV KATE HOFMEYR: And what arrangement would then be made?

MR X (through Interpreter): What would happen is my daughter would withdraw the money, then call me and inform me that I have withdrawn the money. Then if I am busy I would instruct my daughter to call him but most of the times after my daughter has informed me that she has withdrawn the money I would then phone Mr Majola myself.

ADV KATE HOFMEYR: And would it always be the case that he came to you to collect the money?

10 **MR X (through Interpreter):** Yes, I have never taken the money to his house or delivered the money to his house.

ADV KATE HOFMEYR: And did you ever ask what the cash was for?

MR X (through Interpreter): No.

CHAIRPERSON: When your daughter had withdrawn the money would she meet with Mr Majola to hand over the cash sometimes or would the position be that all the time she would hand over the money to you and you would be the one to give the money to Mr Majola?

MR X (through Interpreter): It wouldn't happen often that my daughter would give the money to Mr Majola, what would happen is she
20 would then inform me that she has withdrawn the money and hand the money to me, because it would be a large amount, then I would be the one who is contacting Mr Majola to come and collect the money.

ADV KATE HOFMEYR: So most – are you saying most of the time Mr Majola got the money from you and it was only a few times that he got it from your daughter.

MR X (through Interpreter): Yes.

CHAIRPERSON: Thank you.

ADV KATE HOFMEYR: Thank you, and then I would like to take you to the next bank statement that indicates what happened with the money. Oh, sorry it's on the same page, we were at page 76, are you there?

MR X (through Interpreter): Yes I am there.

ADV KATE HOFMEYR: You will see the second highlighted entry on that page indicates that on the 17th of August 2015 an amount of R550 000 was transferred to Isivuno Sami. Can you confirm that that is
10 what happened?

MR X (through Interpreter): Yes I see that transaction.

ADV KATE HOFMEYR: Thank you, and you can confirm that that is what indeed happened, that an amount of R550 000 was paid to Isivuno Sami.

MR X (through Interpreter): Yes I confirm.

ADV KATE HOFMEYR: And does your previous evidence about the process apply that that was done on the instruction of Mr Majola?

MR X (through Interpreter): Yes.

ADV KATE HOFMEYR: Thank you Mr X. We then go to a new entity to
20 whom Isibonelo issued an invoice in September of 2015. It is on the 29th September 2015 but you will find the invoice at page 78, seventy eight.

MR X (through Interpreter): Yes I am on page 78.

ADV KATE HOFMEYR: What just for the record is the date of this invoice?

MR X (through Interpreter): I am not sure if that is a 20 or 29 of 09/2015.

ADV KATE HOFMEYR: I think from your affidavit it indicates it is probably 29.

MR X (through Interpreter): Yes it is 29, yes.

ADV KATE HOFMEYR: Thank you, and again this appears to be an invoice issued by Isibonelo to Mndima Civils, is that correct?

MR X (through Interpreter): Yes I see it.

ADV KATE HOFMEYR: Did Isibonelo have any dealings telephonic or
10 in person with anyone from Mndima Civils when this invoice was generated?

MR X (through Interpreter): No

ADV KATE HOFMEYR: Have you ever had any interactions with persons from Mndima Civils either before or after the generation of this invoice?

MR X (through Interpreter): No.

ADV KATE HOFMEYR: Let us look at what the description of work says on this page. It reflects there building block stores, renovation of carpenters workshop and paint roof leak and be price that appears for
20 that work is R816 000,90, do you see that?

MR X (through Interpreter): Yes.

ADV KATE HOFMEYR: Did Isibonelo ever perform the work for Mndima Civils described in this invoice?

MR X (through Interpreter): No.

ADV KATE HOFMEYR: How did you get the details of Mndima Civils if

you had never interacted with them?

MR X (through Interpreter): It was once again brought by Mr Majola.

ADV KATE HOFMEYR: Thank you. I then want to go to the next invoice which now is sent to I think it's the 4th entity we have dealt with in these proceedings. You will find that at page 82, 82.

MR X (through Interpreter): I am on page 82.

ADV KATE HOFMEYR: What is the date of this invoice.

MR X (through Interpreter): 30/09/2015.

ADV KATE HOFMEYR: It appears to be the day after the date of
10 Mndima Civils invoice we were just looking at which was 29/09/2015,
correct?

MR X (through Interpreter): That is correct.

ADV KATE HOFMEYR: Now this is an Isibonelo Construction invoice made out to customer and the name is SSOJV, what does that mean?

MR X (through Interpreter): I don't know what it is.

ADV KATE HOFMEYR: So you don't even know the entity to whom this was made out?

MR X (through Interpreter): No I don't know it.

ADV KATE HOFMEYR: And the description of works is office
20 renovations for which the price charged was R1.5million and surge
tower refurbishment for R500 000, did Isibonelo perform any of those
works?

MR X (through Interpreter): I don't know this job description.

ADV KATE HOFMEYR: And can you perform Isibonelo did not perform those works?

MR X (through Interpreter): No we didn't do it.

ADV KATE HOFMEYR: Thank you. And then I would like to move to what happened after receipt of the funds, both for the Mndima Civils invoice of 29 September and the invoice to SSO which we will understand in other evidence is a reference to Steffinuti ...[indistinct]

CHAIRPERSON: I am sorry Ms Hofmeyr just to conclude on that invoice.

ADV KATE HOFMEYR: Apologies.

CHAIRPERSON: Do you confirm Mr X that the total amount on that
10 invoice is R2 280 000?

MR X (through Interpreter): I do confirm.

CHAIRPERSON: And that is the invoice issued by Isibonelo Construction to SSOJV?

MR X (through Interpreter): Confirmed.

CHAIRPERSON: Thank you Ms Hofmeyr.

ADV KATE HOFMEYR: Thank you Chair. I would then like to look at what happened when those funds were received, but first let's go and look at the bank statements which shows the payment R2 280 000, you will find that at page 84, eight four.

20 **MR X (through Interpreter):** I am on page 84.

ADV KATE HOFMEYR: Thank you, and you will see highlighted on that page there is an entry that on the 2nd of December 2015 an amount of R2 280 000 appears to have been paid into the account, and the reference there is Steffinuti Stocks/OROJV.

MR X (through Interpreter): Yes I see the transaction.

CHAIRPERSON: And, I am sorry, you confirm that the document we are looking at is a statement from the Standard Bank account of Isibonelo Construction?

ADV KATE HOFMEYR: I confirm.

CHAIRPERSON: Thank you.

ADV KATE HOFMEYR: At the time of the issue of the invoice and the receipt of this payment did Isibonelo have any interactions or dealings with Steffinuti stocks?

MR X (through Interpreter): No.

10 **ADV KATE HOFMEYR:** Have you ever had any dealings before or after with any person from Steffinuti stocks?

MR X (through Interpreter): No.

ADV KATE HOFMEYR: I would then like to track through the bank statements what happens with the money after that amount is received and I will draw your attention to page 86.

MR X (through Interpreter): I am on page 86.

ADV KATE HOFMEYR: So you will see there the bank statement is continuing on the date of the 2nd of December 2015, that is the day on which the payment into the account of R2 280 000 was made.

20 **MR X (through Interpreter):** Yes I see that.

ADV KATE HOFMEYR: The first highlighted entry on the page 86 of EXHIBIT DD31 is a cash withdrawal, again at Richards Bay of R30 000. Why was that cash withdrawn?

MR X (through Interpreter): It was requested by Mr Majola.

ADV KATE HOFMEYR: And was it given to Mr Majola?

MR X (through Interpreter): Yes.

ADV KATE HOFMEYR: And was it given to him in the way that you described previously, that you would phone him, tell him that you had the cash and he would come and collect it?

MR X (through Interpreter): Yes.

ADV KATE HOFMEYR: And then the second highlighted entry on that page is a transfer of R400 000 on the same date, the 2nd of December, to what appears to be Sifezakonke Engineer, is that correct?

MR X (through Interpreter): Yes I see that transaction.

10 **ADV KATE HOFMEYR:** Do you confirm that that was again in the light of your previous evidence on the instructions of Mr Majola?

MR X (through Interpreter): I confirm.

ADV KATE HOFMEYR: Then if we go over to page 88 you will see the bank statement for the next day, the 3rd of December 2015.

MR X (through Interpreter): Yes I am on page 88.

ADV KATE HOFMEYR: There is a first highlighted entry there of a cash withdrawal at Richards Bay of R150 000, why was that cash withdrawn?

MR X (through Interpreter): Mr Majola requested the money.

20 **ADV KATE HOFMEYR:** Was the money given to him?

MR X (through Interpreter): Yes.

ADV KATE HOFMEYR: There is also an entry there of R15 000 of a cash, a cheque cashed, is that related to the dealings of Mr Majola?

MR X (through Interpreter): It could be my cheque because I am looking at the entry there, it is cheque cashed, so it could be my

cheque.

ADV KATE HOFMEYR: Right, then let's go over to page 90, nine zero.

We are now at the bank statement for the next day, that's the 4th of December 2015.

MR X (through Interpreter): Yes I see.

ADV KATE HOFMEYR: There appear to be two payments that were made on this day, in highlighting to Isivuno Sami, there was first an amount of R150 000, and then later a further R100. Can you confirm why those amounts were paid to Isivuno Sami on the 4th of December
10 2015?

MR X (through Interpreter): It was Mr Majola's instruction.

ADV KATE HOFMEYR: Thank you, if we go over to page 92 we move to the 5th of December.

MR X (through Interpreter): Yes I see.

ADV KATE HOFMEYR: There is a highlighted cash withdrawal of R25 000 at Vryheid, why was that amount withdrawn on that day?

MR X (through interpreter): I – I remember this transaction, it was my money, the 25 that is reflected as a transaction.

ADV KATE HOFMEYR: Thank you. Let us go over to page 94.

20 **CHAIRPERSON:** I am sorry, I am sorry Miss Hofmeyr I wonder whether you should not consider later on, highlighting it in a different colour those items, those amounts that he says where his.

ADV KATE HOFMEYR: We will do that Chair. I think that the evidence today has assisted to clarify that.

CHAIRPERSON: Yes – yes.

ADV KATE HOFMEYR: So just for the records purposes what we will do is, we will retain in yellow highlighting all of those amounts that Mr X has confirmed were done on the instructions of Mr Majola

CHAIRPERSON: Ja.

ADV KATE HOFMEYR: And where he is confirming his evidence today that they relate to his own monies we will make a green highlighting.

CHAIRPERSON: Ja that is fine.

ADV KATE HOFMEYR: Let us then move if we may to page 94, nine four.

10 **MR X (through interpreter):** Yes, I am on page 94.

ADV KATE HOFMEYR: This is a bank statement reflecting transactions on the 7 December 2015.

MR X (through interpreter): Yes, I see the transaction.

ADV KATE HOFMEYR: And the 7 December was five days after you had received the large payment of R2 280 000.00 from Stefanutti Stocks, is that correct?

MR X (through interpreter): Yes, I notice that.

20 **ADV KATE HOFMEYR:** And you will see highlighted there in yellow is a payment to Sifzakonke of R900 000.00. What was the circumstances of that payment?

MR X (through interpreter): I was complying to the instructions of Mr Majola.

ADV KATE HOFMEYR: And then the last one in the sequence is at page 96.

MR X (through interpreter): Yes, I see it.

ADV KATE HOFMEYR: And now we are on the 8 December, so we are six days after receipt of the payment from Stefanutti Stocks and it indicates that a million Rand was paid to Isivuno Sami on that day. What were the circumstances of that payment?

MR X (through interpreter): Complying once again to the instructions of Mr Majola.

ADV KATE HOFMEYR: Mr X what your affidavit then goes on to explain is in that period between the 2nd December and the 8th December 2015 that we have been looking at, Isibonelo issued a further invoice to a
10 customer identified as SSOJV. I would like to take you to that invoice, it is at page 98 of Exhibit DD(51). And can I take it then, well, let us first of all do the date of this invoice, what is the date of the invoice?

MR X (through interpreter): 06/12/2015, 05 – 05.

ADV KATE HOFMEYR: Indeed. It is 0-5, I think based on your affidavit. It was made out to customer SSOJV, when it was made out [intervenes].

CHAIRPERSON: Sorry.

ADV KATE HOFMEYR: Apologies Chair.

CHAIRPERSON: Did you get that date right?

ADV KATE HOFMEYR: Yes, it is 05/12/2015 Chair.

20 **CHAIRPERSON:** Okay, I think there was a reference to 05.

ADV KATE HOFMEYR: Thank you, oh yes, yes, apologies, and that is confirmed at paragraph 57 of Mr X's affidavit at page 16. Right, let us look at the customer as to whom this was made out. It was made out to SSOJV. Mr X at the time this invoice was generated did you know who SSOJV was?

MR X (through interpreter): No.

ADV KATE HOFMEYR: And the description of the works, again, some more parameter fencing it appears in the amount of R895 400.00 and pump-station construction built for an amount of R853 107.20, do you confirm that is what is reflected on the invoice?

MR X (through interpreter): Yes, I confirm.

ADV KATE HOFMEYR: Did Isibonelo ever do parameter fencing work or pump-station construction for SSOJV or any other entity?

MR X (through interpreter): No.

10 **ADV KATE HOFMEYR:** And can you confirm the total amount invoiced on this invoice was R1 993 435.01?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: And then if we go the bank statement that reflects the receipt of this payment you will find that at page 100/

MR X (through interpreter): I am on page 100.

ADV KATE HOFMEYR: Can you please indicate from whom this payment of R1 993 435, they seem to have left off the one Cent, was received from?

MR X (through interpreter): Stefanutti Stocks.

20 **ADV KATE HOFMEYR:** Thank you, I think the full entry reads Stefanutti Stocks / OROJV, is that correct?

MR X (through interpreter): True.

ADV KATE HOFMEYR: I would then like to look at what happened to the funds after they were received in the Isibonelo Business Account with Standard Bank, and for that purpose please turn to page 102.

MR X (through interpreter): I am on page 102.

ADV KATE HOFMEYR: There is a highlighted entry there in yellow indicating a payment from Isibonelo to Isivuno Sami in the amount of R850 000.00 on the 24 February 2016, do you see that?

MR X (through interpreter): Yes, I do see the transaction.

ADV KATE HOFMEYR: And what were the circumstances of that payment?

MR X (through interpreter): Complying to the instruction from Mr Majola.

10 **ADV KATE HOFMEYR:** And if we go over the page to page 104.

MR X (through interpreter): I am on page 104.

ADV KATE HOFMEYR: And there is a highlighted entry there in yellow indicating a payment from Isibonelo to Sifezakonke 'Construc', which I think is short for construction of R700 000.00 on the 24 February 2016. Do you confirm that that payment was made by Isibonelo to Sifezakonke Construction?

MR X (through interpreter): Yes, I do confirm.

ADV KATE HOFMEYR: And what was the circumstances around that payment?

20 **MR X (through interpreter):** Complying to Mr Majola's instructions.

ADV KATE HOFMEYR: And then if we go to page 106.

MR X (through interpreter): I am on page 106.

ADV KATE HOFMEYR: You will see highlighted there a cash withdrawal the following day on the 25 February 2016 at Richards Bay of R150 000.00. Why was that cash withdrawn?

MR X (through interpreter): Complying to his instruction, that is Mr Majola.

ADV KATE HOFMEYR: And can you confirm that once the cash was withdrawn what happened to it?

MR X (through interpreter): I called him and informed him that I have the money now.

ADV KATE HOFMEYR: And was the money given to Mr Majola?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Chair we have come to the end of the series of
10 payments, both receipts and payments out, but I did neglect to get Mr X's confirmation of the receipt of the Mdimas payment, and that you will find at page 80, eight zero Mr X.

MR X (through interpreter): I am on page 80.

ADV KATE HOFMEYR: Now that was a payment indicated on the statement to have been made on the 1st December 2015. The amount was R930 241.02 and it appears to indicate to have been received from Mdimas, is that the same amount that you invoiced Mdimas for, a month, on the 29 September 2015? Let me go to the invoice so you can compare it. The invoice is at page 78, seven eight, and then the bank
20 statement is at page 80.

MR X (through interpreter): It is the same amount.

ADV KATE HOFMEYR: Thank you and your evidence in relation to that invoice, I take it would be the same, you were told to invoice Mdimas despite not having any relationship with them. The Description of Works came from Mr Majola, the invoice was generated and then payment

was received. Is that correct?

MR X (through interpreter): Confirm.

ADV KATE HOFMEYR: Thank you, I would now like to move Mr X to the last topic of relevance in your affidavit and you will find that at page 17 of the affidavit, which is Exhibit DD(31).

MR X (through interpreter): I am on page 17.

ADV KATE HOFMEYR: Now what you say at the bottom of that page in paragraph 60 is that you going to deal with three payments that Isibonelo received from Premier Attraction 1016 CC.

10 **CHAIRPERSON:** Before you proceed, okay just continue.

MR X (through interpreter): I see it.

CHAIRPERSON: Before you proceed, Miss Hofmeyr I think it would be convenient if we can have the total amount of all the amounts that he says were paid into Isibonelo's account in accordance with Mr Majola's instructions and the total amount that was paid out so that we have the big picture. .

ADV KATE HOFMEYR: Big picture, certainly.

CHAIRPERSON: If it is not ready let us do it before he finishes his evidence

20 **ADV KATE HOFMEYR:** Yes, we can certainly do that I will ask my Junior and team of Investigators who are assisting us today, to get to that.

CHAIRPERSON: Ja if they can work – work out so that we have a picture of the total amount, ja.

ADV KATE HOFMEYR: Full picture, indeed. They can work on that and then we will deal with it at the end of the evidence with Mr X. Thank you.

CHAIRPERSON: Okay.

ADV KATE HOFMEYR: We now move to what you describe in your affidavit at the bottom of page 17 as Conduit Payments, and you say that you are going to deal with three payments that you received from Premier Attraction. Mr X I would like to take you first of all to the bank statements that show these payments into Isibonelo's account and to do that we need to turn first to page 108.

INTERPRETER: You said the page?

ADV KATE HOFMEYR: 108.

10 **MR X (through interpreter):** Yes, I am on page 108.

ADV KATE HOFMEYR: Do you see at the bottom there a highlighted entry there in yellow, reflecting a payment into Isibonelo's account on the 24th of October 2015 in the amount of One Million Rand?

MR X (through interpreter): Yes, I see the transaction.

ADV KATE HOFMEYR: Now the description for the transaction appears on the left-hand side of the page, do you see that?

MR X (through interpreter): Yes, I see that.

ADV KATE HOFMEYR: And it reads as follows: IB payment from PA1016, do you see that?

20 **MR X (through interpreter):** Yes

ADV KATE HOFMEYR: When you received this payment into Isinebelo's account Mr X, did you know what PA1016 was?

MR X (through interpreter): I did not know.

ADV KATE HOFMEYR: I am going to come in a moment to what you did learn about that payment but I want to do all three payments first in the

bank accounts. So can we next go to the bank account appearing at 1-1-0?

INTERPRETER: The next one is on page?

ADV KATE HOFMEYR: 1-1-0, one hundred and ten.

MR X (through interpreter): I am on page 110.

ADV KATE HOFMEYR: You will see highlighted there on the statement reflecting a transfer into Isibonelo's account on 11th of December 2015, is an amount of R1 150 000.00 do you see that?

MR X (through interpreter): I see the transaction.

10 **ADV KATE HOFMEYR:** And again, the IB payment description indicates that it is from PA1016, do you see that?

MR X (through interpreter): I do see that entry.

ADV KATE HOFMEYR: On the 11th of December 2015, did you know what PA1016 was referring to?

INTERPRETER: Is it 2015, or 16.

ADV KATE HOFMEYR: Apologies, I might have said, when I, December of 2015.

INTERPRETER: Okay. [Intervenues]

ADV KATE HOFMEYR: 2015.

20 **INTERPRETER:** 2015. Yes. The question was, sorry.

ADV KATE HOFMEYR: Apologies, I might have made an error because the statement indicates it is from December 2015 to January 2016, but this is the date of 11th December 2015 and the question was, when this payment was received in Isibonelo's account, did Mr X know what the reference PA1016 referred to?

MR X (through interpreter): I did not know.

ADV KATE HOFMEYR: And the final bank statement reflecting these three payments appears at page one hundred and twelve, 112.

MR X (through interpreter): Yes, I am on page 112.

ADV KATE HOFMEYR: There is a first highlighted entry on that page reflecting a payment into the Isibonelo account with Standard Bank on the 2nd of February 2016 with a payment reference again from PA1016. Do you see that?

MR X (through interpreter): Yes, I see the transaction.

10 **ADV KATE HOFMEYR:** On the 2nd of February 2016 did you know what the reference PA1016 referred to?

MR X (through interpreter): No.

ADV KATE HOFMEYR: Mr X, I would then like to return to your affidavit at page 18. That is in Exhibit DD(31).

MR X (through interpreter): I am on page 18.

ADV KATE HOFMEYR: Now you have testified that when these amounts were received in Isibonelo's bank account, you did not know what the reference PA1016 referred to. Is that correct?

MR X (through interpreter): That is correct.

20 **ADV KATE HOFMEYR:** And if you look at paragraph 61 on page 18 of your affidavit.

MR X (through interpreter): Yes, I am looking.

ADV KATE HOFMEYR: You say there:

“When I looked at the Isibonelo bank statements reflecting these deposits, I noticed, noted that the

reference on the payment was PA1016. I had no knowledge when the Commission's investigator, when they first showed me these payments, that they were made by Premier. I asked the Commission's investigator to find out what entity paid these amounts."

MR X (through interpreter): That is true.

ADV KATE HOFMEYR: And what happened? What did the commission's investigators then do?

10 **MR X (through interpreter):** They left with this reference, PA1016 and returned with the name of the entity or the company as Premier.

ADV KATE HOFMEYR: Thank you, and you indicate at paragraph 62 that you were shown a spreadsheet. [Intervenes]

CHAIRPERSON: Sorry.

ADV KATE HOFMEYR: Apologies, Chair.

CHAIRPERSON: Just to make sure there is complete understanding, when you say Premier, you refer to Premier Attraction, is that correct?

MR X (through interpreter): That is correct.

20 **CHAIRPERSON:** Actually, you refer to Premier Attraction 1016CC. Is that correct?

MR X (through interpreter): Yes.

CHAIRPERSON: Premier Attraction 1016CC.

INTERPRETER: Oh. It is Premier Attraction 1016CC.

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Thank you. And you indicate at paragraph 62

that you were shown a spreadsheet relating to the three payments that had been received from Standard Bank. I would like to take you to that spreadsheet. It is at page 114.

INTERPRETER: Did you say 114?

ADV KATE HOFMEYR: 114 Indeed.

MR X (through interpreter): Yes, I am on page 114.

ADV KATE HOFMEYR: Is this the document that the investigator showed you?

MR X (through interpreter): Yes.

10 **ADV KATE HOFMEYR:** You will see over on the, well, let us deal with the first line. The first line reads:

“Isibonelo Construction contra details”

and then the second line,

“Standard Bank account number”

And then there is an account number given there. Is that, what account number is that?

INTERPRETER: What account number is that, I mean?

CHAIRPERSON: I think what Ms Hofmeyr wants to know is whether he knows whose account number that is.

20 **INTERPRETER:** Oh. Oh, okay. My apologies, Chair.

MR X (through interpreter): If it may be read out then I will be able maybe to recognize it.

ADV KATE HOFMEYR: Yes, certainly. And just for assistance, Mr X, if you go back to one of the bank statements of Isibonelo, and you can just flip back two pages to page 112. You will see at the top of that page

there is an account number indicated and let me read it into the record.

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: It is:

“062014803”

What account is that?

MR X (through interpreter): It is Isibonelo’s account It is my account.

ADV KATE HOFMEYR: Thank you. And then if we go back to page 114.

MR X (through interpreter): I am on page 114.

ADV KATE HOFMEYR: You will see that below those descriptions that
10 we have just read into the record, there are three lines dealing with the
three payments that we have been looking at already in your evidence
received from PA1016 and if you go right across to the other side of the
page, you will see a column there that is headed Contra Account Names.
Do you see that?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: And what is indicated there as the Contra
account name for these payments?

INTERPRETER: Oh. You mean on the.

ADV KATE HOFMEYR: On the far-right hand side.

20 **INTERPRETER:** I went to the wrong... my apologies. [Intervenes]

ADV KATE HOFMEYR: Oh apologies.

MR X (through interpreter): They are too faint.

ADV KATE HOFMEYR: Oh, I am sorry. Yes, I am sure- I have
highlighted them so maybe I can read them into the record.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: And ask whether it ... (intervenes)

CHAIRPERSON: Mm.

ADV KATE HOFMEYR: Confirms what you had told. So, what they read Mr X is for each of the three payments received, the ones that we have been looking at previously which bore the reference PA1016. The spreadsheet from the bank indicates that that payment was received from a Standard Bank account of Premier Attraction 1016 ta (which means trading as) co. That is all that is entered there. Does it accord with your understanding that this page confirm that the payment was
10 made by Premier Attraction 1016?

MR X (through interpreter): Yes, that is what the people from the Commission explained or said to me.

ADV KATE HOFMEYR: At the time that the Commission showed you this information about who had paid these amounts into your account, did you know anything else about Premier Attraction, who its owner was or who worked in the business?

MR X (through interpreter): No.

ADV KATE HOFMEYR: Did the Commission then tell you who they have established was the owner of Premier Attraction 1016?

20 **MR X (through interpreter):** Yes, they did tell me.

ADV KATE HOFMEYR: And who did they indicate that was?

MR X (through interpreter): They said one of the partners, it is Thalente Myeni.

ADV KATE HOFMEYR: Do you know Thalente Myeni?

MR X (through interpreter): Yes, I do.

ADV KATE HOFMEYR: How do you know him?

MR X (through interpreter): He grew up in front of me.

ADV KATE HOFMEYR: And in December 2015 and early 2016, did you have any business dealings with him?

INTERPRETER: 2015 till?

ADV KATE HOFMEYR: To early 2016.

MR X (through interpreter): No.

ADV KATE HOFMEYR: Around that period did you have any business dealings with an entity called Premier Attraction 1016?

10 **MR X (through interpreter):** No.

CHAIRPERSON: Premier Attraction. Ja, just get it right. Okay.

MR X (through interpreter): No.

ADV KATE HOFMEYR: Mr X, I would like to return to your affidavit at paragraph 18 because on that page you describe a prior dealing you had with Ms Duduzile Myeni.

INTERPRETER: Page?

ADV KATE HOFMEYR: Page 18. Mr X, at the bottom of that page you talk about some work that you and MS Myeni did around 1997/1998. Can you please tell us what that was?

20 **MR X (through interpreter):** Yes, we met at a company who had been groomed as small businesses in that company. It is called Richards Bay Minerals.

CHAIRPERSON: I am sorry. There was a reference to young lions or something like that. Mr X what were you talking about in relation to young lions?

MR X (through interpreter): This- it was not amabhubesi. It is businesses, small business so.

CHAIRPERSON: Oh okay.

MR X (through interpreter): Hence the interpretation was that is where we were being groomed as small businesses.

CHAIRPERSON: Oh okay. Okay well ... (intervenes)

ADV KATE HOFMEYR: Just so that I have it right it was ... (intervenes)

CHAIRPERSON: It sounded like (African Language) which would be
10 young lions so I was very interested. Okay alright.

ADV KATE HOFMEYR: Can we be clear this was small business grooming, not young lion grooming. Is that correct?

MR X (through interpreter): That is correct.

ADV KATE HOFMEYR: Thank you. And Mr X, you describe over the page on page 19 the extend to which you and Ms Myeni worked together at that time. Can you describe that?

MR X (through interpreter): Okay we worked together in the
20 construction industry. She then requested me to help her because I had a skill and she also had a certain skill. So, she requested me that we team up and work together.

ADV KATE HOFMEYR: Did she come to learn of the details of Isibonelo's bank account in those interactions?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Why was that?

MR X (through interpreter): I was working under her as a sub-

contractor so when she was making payments to me or to my company, she would pay it into my account, Isibonelo account.

ADV KATE HOFMEYR: Thank you. And you go on at paragraph 65 to deal with the time when Isibonelo received these payments from Premier. You have testified about this previously but I would just like to get this clear. At that time did Isibonelo have any business relationship with either Premier the entity or Mr Myeni himself?

INTERPRETER: Meaning at the time when she was working with Ms Myeni?

10 **ADV KATE HOFMEYR:** No, at the time that the payments were received from Premier.

MR X (through interpreter): No, there were no dealings.

ADV KATE HOFMEYR: And you are absolutely certain about that?

MR X (through interpreter): Yes, I am absolutely sure.

CHAIRPERSON: Maybe we should just say Premier Attraction at least.

ADV KATE HOFMEYR: Yes.

CHAIRPERSON: Because we do not want anybody who reads the transcripts thinking we are talking about a Premier.

20 **ADV KATE HOFMEYR:** And in this Commission it could be the Premier so.

CHAIRPERSON: Ja.

MR X (through interpreter): No, there was none.

ADV KATE HOFMEYR: At paragraph 66 Mr X you start to tell us in your affidavit what happened after you received these payments into the account. Please can you take us through that? Oh apologies.

CHAIRPERSON: I am sorry. Before that, has he confirmed his knowledge of the relationship between Mr Thalente Myeni and Ms Duduzile Myeni? If he has not maybe we should get that out of the way.

ADV KATE HOFMEYR: He might not have because the evidence was ... (intervenes)

CHAIRPERSON: Because in the affidavit he has got there.

ADV KATE HOFMEYR: Yes.

CHAIRPERSON: Ja.

10 **ADV KATE HOFMEYR:** The evidence that I think you only testified to Mr X was that Mr Thalente Myeni grew up in front of you but let us confirm what is your understanding of the relationship between Ms Duduzile Myeni and Mr Thalente Myeni?

MR X (through interpreter): It is her son.

ADV KATE HOFMEYR: Thank you. And then I was going to move at page 19 of your affidavit to the explanation you give of what happened after you received these three payments. Please can you take us through that?

20 **MR X (through interpreter):** Maybe my bank account would remind- refresh my mind.

ADV KATE HOFMEYR: Yes certainly.

MR X (through interpreter): If you make reference to my bank account.

ADV KATE HOFMEYR: So, the first amount was received in October of 2015 and you will find that at page 108.

MR X (through interpreter): Yes, I see it.

ADV KATE HOFMEYR: Now this is the first amount of 1 million rand that was received on the 24th of October 2015 into the Isibonelo account. What happened after you received that first 1 million?

MR X (through interpreter): Can I then once again refresh my memory by going back to the statement as to what then happened?

ADV KATE HOFMEYR: Yes of course.

MR X (through interpreter): After receiving this money.

ADV KATE HOFMEYR: Yes.

10 **MR X (through interpreter):** Because it happened long time ago.

ADV KATE HOFMEYR: Because they are three different statements.

MR X (through interpreter): Yes, I have to refresh my memory.

ADV KATE HOFMEYR: At least they are three different payments. Let me be clear.

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Let us go back to page 20 of the affidavit.

MR X (through interpreter): I am on page 20.

ADV KATE HOFMEYR: Thank you. And you will see at the beginning of that page at paragraph 68 you indicate there in your affidavit;

20 In respect of the first payment of 1 million which was received by Isibonelo on 24 October 2015 the following transpired.

And then in 68.1 you record in your affidavit;

68.1 Ms Myeni requested that I withdraw these funds and deliver them to her in cash.

Do you see that?

MR X (through interpreter): Yes, I see that.

ADV KATE HOFMEYR: How did she make that request?

MR X (through interpreter): I think it was telephonically.

ADV KATE HOFMEYR: And what did you do pursuant to her request?

MR X (through interpreter): I then went to the bank to apply to withdraw this money. And may I Chair place it on record that my bank will not allow me to withdraw a million rand. So maybe I should also make reference once again to refresh on my bank account as to how did they break it down. Because they were not going to allow me to
10 withdraw a million rand.

ADV KATE HOFMEYR: Yes, we will come to that in a moment. What I would just like to understand first broadly is the process, right, because I understand that your evidence thus far is, you received the 1 million, you then were contacted by Ms Myeni and she indicated she wanted you to give her cash from that amount. Is that correct?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Okay we will go to each of the withdrawals in a moment. But generally, how would you get the cash to Ms Myeni?

MR X (through interpreter): It did not happen for a number of times
20 that I would ... (intervenes)

INTERPRETER: I hope I got it right Chair.

MR X (through interpreter): That I would give her the money. Most of the times I would take it to her house.

ADV KATE HOFMEYR: And which house was that?

MR X (through interpreter): During the period of 2015 she had two

houses that she stayed at and then the third one- okay, what happened is during that period she had about three houses but she moved out from the third one and had now two houses that she lived at.

ADV KATE HOFMEYR: And you indicated in your evidence a moment ago that you would deliver the money to the houses. Is that correct?

INTERPRETER: Is it houses?

ADV KATE HOFMEYR: Yes.

MR X (through interpreter): Correct.

ADV KATE HOFMEYR: How would you ... (intervenes)

10 **CHAIRPERSON:** African Language. Okay alright.

INTERPRETER: African Language.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: How would you drop-off the cash at the houses?

MR X (through interpreter): Because I would also use her office- okay, both houses have offices so I would use her offices sometimes. So, what I would do is I would go to the office and hide it but not inform the domestic worker about me hiding the money. Then I would then call her and inform her.

20 **ADV KATE HOFMEYR:** I just want to break that down a bit. How did you get access to the houses?

MR X (through interpreter): I had access to both houses in the sense that- I have placed it on record Chair, we were very close, our relationship was very close. So, I had access to both properties. I also had access to both offices. So, I would go and help there and

work in the office sometimes so that is how I had access to both properties.

ADV KATE HOFMEYR: And then your evidence was that you would go into the office and you would hide the money. Is that correct?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Why did you do that?

MR X (through interpreter): The reason why I would hide it, it was I wanted her Ms Myeni to be the one who is finding the money there where I have hidden it not anybody else.

10 **ADV KATE HOFMEYR:** And then you indicated you would contact her. Is that correct?

MR X (through interpreter): Yes, I would call her and tell her exactly where I have hidden the money.

ADV KATE HOFMEYR: Thank you. And I also understood your evidence earlier Mr X to be that you might have recalled one occasion where you actually gave her the money herself? Is that correct?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Did that only happen once?

20 **MR X (through interpreter):** I do remember handing over the cash to her in her hand but it might have been once or twice. But I do remember doing that.

ADV KATE HOFMEYR: And can we take it that for the rest you would follow this process where you would gain access to the office and then hide it and then contact her later?

MR X (through interpreter): Yes.

CHAIRPERSON: Would you always hide it in her office or in that part of the house that she used as her office? Or would you sometimes hide it elsewhere in the house?

MR X (through interpreter): I would hide it in the place where we use it to work where there is files. We call that an office.

CHAIRPERSON: Did you always hide it in the same spot or did you change the spot where you hid it?

MR X (through interpreter): I would change the spot.

CHAIRPERSON: Yes. And did you say that sometimes you would hide
10 it in the office in the one house and sometimes you would hide it in the office in the other house?

MR X (through interpreter): She was not staying in the other house. So, she would stay in this one house. So when she is staying in this house and not move her clothes to the other house and staying here, we would work from that house office. Only when she moves then we will move the office as well.

INTERPRETER: I hope I got it right.

CHAIRPERSON: So is the position that during the period that we are
20 talking about namely 2015. At some stage she lived in one house and at another stage she lived in another house?

MR X (through interpreter): Yes.

CHAIRPERSON: Okay. So, it is not that she had two houses to which you had access at the same time.

MR X (through interpreter): Okay I would not remember exactly because it happened a long time ago. But in 2015 she was staying in

house- I would say house number one. Then we would work from house number one. During the period of 2015 I think she did move though I do not remember exactly when but I think she did move to house number two. Then we would then work from house number two.

So, the only thing is because it happened long time ago. So, this transaction as to whether they happened at number one from what period until when, I would not be able to tell you. But it happened yes at house number one then she moved to house number two. Then it continued- then we continued to work in house number two.

- 10 **CHAIRPERSON**: So, would it be correct to say she used or you used- you hid the money in one house at a time and she stayed in one house at a time?

MR X (through interpreter): Yes.

CHAIRPERSON: Thank you.

ADV KATE HOFMEYR: Thank you. I would then like to take you Mr X to the specific transactions that occurred after you received the first 1 million on the 24th of October 2015. And for that purpose, the first transaction that you identify in your affidavit you will find in the bank statement appearing at page 121.

- 20 **MR X (through interpreter)**: I am on 121.

ADV KATE HOFMEYR: So just to remember what the timing is. On the- we have looked at the bank statement on the 24th of October 2015 you received the first payment of a million rand from Premier Attraction 1016. Do you recall that?

INTERPRETER: The date was?

ADV KATE HOFMEYR: 24 October.

MR X (through interpreter): Yes, I remember that one.

ADV KATE HOFMEYR: And then at page 121 there is an entry highlighted three days later on the 27th of October 2015 and that is a cash withdrawal of 50 000. Do you see that?

MR X (through interpreter): Yes, I see it.

ADV KATE HOFMEYR: Why was that money withdrawn?

MR X (through interpreter): Ms Dudu gave me instruction to withdraw it.

10 **ADV KATE HOFMEYR:** And did you give that cash to her?

MR X (through interpreter): Yes, I did.

ADV KATE HOFMEYR: And can I confirm it was in one of the two methods that you have described either handing it to her herself or hiding it at the office of the house she occupied at the time?

MR X (through interpreter): That is correct although I do not remember exactly how I handed it over to her but it happened either way. It is either I hid it or I gave it to her in person.

ADV KATE HOFMEYR: Thank you. And then if you go to the next bank statement it is at page 123.

20 **MR X (through interpreter):** I am on page 123.

CHAIRPERSON: Before Ms Hofmeyr I ask the next question. Mr X who came up with the idea that the money should be hidden in her office?

MR X (through interpreter): I did not want to be delayed so I am the one who came up with that idea of hiding it.

CHAIRPERSON: And did you discuss it – the idea with her?

MR X (through interpreter): No.

CHAIRPERSON: Oh you just thought of the idea and you hid the money and you told her afterwards where you had hidden it?

MR X (through interpreter): Correct.

CHAIRPERSON: But she was fine with that I hear?

MR X (through interpreter): After she has found the money I think she was fine with it.

CHAIRPERSON: Thank you.

ADV KATE HOFMEYR: Mr X if we then go to page 123.

10 **MR X (through interpreter):** Yes.

ADV KATE HOFMEYR: You will see the next day, it is the first highlighted entry on that bank statement. The next day is the 28 October 2015 there is a cash withdrawal from Richards Bay of R31 500.00, do you see that?

MR X (through interpreter): Yes I see the transaction.

ADV KATE HOFMEYR: Why was that money withdrawn?

MR X (through interpreter): She gave me the instruction, Ms Dudu she gave me the instruction to do so.

ADV KATE HOFMEYR: That is Ms Dudu Myeni?

20 **MR X (through interpreter):** Duduzile Myeni yes.

ADV KATE HOFMEYR: Can I just ask Mr X at this point did Ms Myeni give you any explanation for why she wanted these amounts in cash withdrawn?

MR X (through interpreter): No – no she did not and I did not ask her as well.

CHAIRPERSON: And maybe this is the time to go back to the beginning. Prior to you discovering these amounts that had come into your account from Premier Attraction had anybody spoken to you that there would be some amounts that would be transferred into your account – into your – or company's account?

MR X (through interpreter): No.

CHAIRPERSON: And when you discovered the first payment how soon did you discover it after it had been transferred into your company's account if you are able to remember?

10 **INTERPRETER:** I am not sure if I got the question.

CHAIRPERSON: Yes let me repeat.

INTERPRETER: Yes.

CHAIRPERSON: When you discovered the first payment are you able to remember how long after the payment had been made into your account that you discovered it?

MR X (through interpreter): I would get the report from my office that a certain amount has been deposited into the business account then I would then advise them that we remain – come until somebody calls. Maybe someone will call me and inform me that they have deposited
20 the money into my business account.

CHAIRPERSON: Yes okay. Thank you.

ADV KATE HOFMEYR: And I know it is a number of years back Mr X but do you recall how soon after you were told the first R1 million had been paid into the account that you were contacted by Ms Myeni?

MR X (through interpreter): Would you please repeat the question?

ADV KATE HOFMEYR: I am asking whether Mr X remembers how soon after he was told the first R1 million had been paid into his account he was then phoned by Ms Myeni?

MR X (through interpreter): Maybe two days.

INTERPRETER: Can I just get clarity whether I was looking at the account that there is still this money or when Ms Myeni then contacted him because I am not sure.

CHAIRPERSON: Just ask him to repeat his answer?

MR X (through interpreter): Okay. What happened is we would then
10 receive this money into the business account. I will be informed that there is money that came into the business account and at that stage we do not know who deposited the money. So until then let us wait until I am being contacted as to who deposited the money. The waiting would be about two to three days. Then indeed the call came.

CHAIRPERSON: Well the way he put it earlier on was that they would – that a period of about two days or so would pass while they were watching it.

ADV KATE HOFMEYR: And remaining calm I think was the previous
[indistinct] so I am glad we – we understand what was happening on the
20 ground. Okay thank you Mr X. Okay so what – and certainly that time frame at least accords with what we see happening in the bank accounts. Because it comes in on the 24 October and then the first withdrawal you have told us about is the 27 October. The second withdrawal we were dealing with at page 123 was on the 28 October. But also on page 123 Mr X there is a transfer highlighted further down

on the page of R600 000.00 to an account that you identify in your affidavit and you have spoken about previously which was the Money Market account. Can you explain why that R600 000.00 was transferred to your Money Market account?

MR X (through interpreter): Okay like I explained initially is that if there is a money that does not belong to our company – it is not our money but it is in our business account we will then move it to the side, that is to the Money account so that we can spend our own money without interfering with the other people's money.

10 **ADV KATE HOFMEYR:** And that was done it appears from the statement at page 123 on the 28 October 2015. But there was then a withdrawal the following day on the 29 October 2015 and I would like to go to that. You will find it at page 127.

MR X (through interpreter): I am on page 127. I see the withdrawal transaction.

ADV KATE HOFMEYR: So what it records there is a withdrawal from the business account again the following day of R200 000.00 at Richards Bay. Why was that money withdrawn?

MR X (through interpreter): He says Duduzile requested the money.

20 **ADV KATE HOFMEYR:** And was the money given to her in one of the two ways you described earlier?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Thank you. Then we move a few further days forward in time and that is reflected the bank statement at page 129.

MR X (through interpreter): I am on page 129.

ADV KATE HOFMEYR: So this statement reflects that on the 3 November 2015 an amount of R27 000.00 was withdrawn at Richards Bay, do you see that?

MR X (through interpreter): Yes I see the transaction.

ADV KATE HOFMEYR: And why was that amount withdrawn?

MR X (through interpreter): It was requested by Sis Dudu.

ADV KATE HOFMEYR: And was it given to Ms Myeni?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Thank you. Chair there are a few more of
10 these transactions relating to the first R1 million. I see that we are
close to the lunch break. So maybe we could just talk for a moment
about arrangements if that suits?

CHAIRPERSON: Yes. How far are you from finishing?

ADV KATE HOFMEYR: I am very close. I need to complete these two
– this – these transactions related to the first R1 million.

CHAIRPERSON: Ja.

ADV KATE HOFMEYR: And then I need to deal simply with the later
two receipts of amounts and what happened with them. So I do not
imagine taking more than about twenty minutes maximum.

20 **CHAIRPERSON:** Ja.

ADV KATE HOFMEYR: There is an application that is also going to be
brought. We had notice of yesterday.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: From the lawyers representing Mr Majola.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: And I – I have seen that they have come back to the hearing room while we have been ...

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: Having Mr X's evidence. We would certainly like an opportunity to use the lunch break to receive the application.

CHAIRPERSON: Look at the application.

ADV KATE HOFMEYR: Look at it.

CHAIRPERSON: Ja.

ADV KATE HOFMEYR: And then possibly we can deal with it after we
10 complete Mr X's evidence.

CHAIRPERSON: Yes. No that is fine. So we – we should adjourn now. Should we resume at two or should we resume a little later than two?

ADV KATE HOFMEYR: I think maybe quarter past two would be adequate.

CHAIRPERSON: Maybe quarter past two.

ADV KATE HOFMEYR: Just so that we can...

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: Properly consider the application.

CHAIRPERSON: To give more time.

20 **ADV KATE HOFMEYR:** And then the proposal would be to complete Mr X's evidence and then deal with the application.

CHAIRPERSON: Yes okay alright. I think counsel for Mr Majola does not have a problem with that?

ADV FRANCOIS ROETS: Not at all Chair.

CHAIRPERSON: Yes. Thank you.

ADV FRANCOIS ROETS: Not at all Chair.

CHAIRPERSON: Thank you. Okay we – we are going to adjourn now and then we will resume at quarter past two. So Mr X do come back at quarter past two.

ADV KATE HOFMEYR: Thank you Chair.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 **CHAIRPERSON:** I think we must dispose of the postponement application ...

ADV KATE HOFMEYR: Certainly Chair.

CHAIRPERSON: Because I do not need any argument and I understand you do not oppose.

ADV KATE HOFMEYR: We do not oppose it, Chair.

CHAIRPERSON: *Ja.* Counsel for Mr Majola, do you want to come forward to the podium and move the application from here?

ADV FRANCOIS ROETS: If it so ...

CHAIRPERSON: Come here, *ja.*

20 **ADV FRANCOIS ROETS:** Suits Chair.

CHAIRPERSON: *Ja.* I understand when you speak from anywhere else there is a challenge with recording and transcribing or the recording, *ja.*

ADV FRANCOIS ROETS: Thank you. Chair, the original Notice of Motion was in fact presented to the relevant officials.

CHAIRPERSON: Yes.

ADV FRANCOIS ROETS: The prayers are ...

CHAIRPERSON: Ja.

ADV FRANCOIS ROETS: In my view with respect ...

CHAIRPERSON: Yes.

ADV FRANCOIS ROETS: Comprehensively set out there in ...

CHAIRPERSON: Yes. Yes.

ADV FRANCOIS ROETS: And it is supported by the ...

CHAIRPERSON: Hm.

10 **ADV FRANCOIS ROETS:** Supporting affidavit of the Instructing Attorney of record.

CHAIRPERSON: Yes. Yes and basically I understand that one, because Mr Majola received the affidavit of Mr X only yesterday. Is that right?

ADV FRANCOIS ROETS: Indeed so. In fact I saw it after 7 o' clock last night ...

CHAIRPERSON: Yes.

ADV FRANCOIS ROETS: For the first time.

CHAIRPERSON: Yes. He - he needs more time ...

20 **ADV FRANCOIS ROETS:** Indeed so.

CHAIRPERSON: To look at it and then to give instructions, but also he fell ill ...

ADV FRANCOIS ROETS: In ...

CHAIRPERSON: This - today or still yesterday. I am not sure. From the affidavit it seems that he was seen by a doctor or has been

hospitalised since this morning or since yesterday.

ADV FRANCOIS ROETS: Yes. I was advised ...

CHAIRPERSON: *Ja.*

ADV FRANCOIS ROETS: If my memory serves me well ...

CHAIRPERSON: Hm.

ADV FRANCOIS ROETS: Chair. That he - he fell ill yesterday ...

CHAIRPERSON: Yes. Yes. Yes.

ADV FRANCOIS ROETS: And it is a result of that that we managed to procure this medical certificate with ...

10 **CHAIRPERSON:** Yes.

ADV FRANCOIS ROETS: The view to presenting same today ...

CHAIRPERSON: Yes.

ADV FRANCOIS ROETS: To your good self, Chair.

CHAIRPERSON: No. That is fine. I grant the application for the postponement of the hearing of Mr Majola's evidence to a date to be determined. So the Commission's legal team will be in touch with you about a new date.

ADV FRANCOIS ROETS: I am truly indebted to you - to you Chair.

CHAIRPERSON: Okay.

20 **ADV FRANCOIS ROETS:** Thank you so much.

CHAIRPERSON: Thank you. Okay.

ADV FRANCOIS ROETS: Chair, I know ...

CHAIRPERSON: Yes.

ADV FRANCOIS ROETS: In the High Court I do not have to ask to be excused ...

CHAIRPERSON: Yes.

ADV FRANCOIS ROETS: But I think as a courtesy gesture.

CHAIRPERSON: Yes.

ADV FRANCOIS ROETS: I will nevertheless ...

CHAIRPERSON: No, no.

ADV FRANCOIS ROETS: Ask Chair if I may please be excused.

CHAIRPERSON: You are excused.

ADV FRANCOIS ROETS: Thank you Chair.

CHAIRPERSON: Thank you. Thank you.

10 **ADV KATE HOFMEYR:** Thank you Chair. If it is convenient we can proceed with Mr X's evidence.

CHAIRPERSON: Yes. Let - let us proceed. Yes.

ADV KATE HOFMEYR: Mr X, can you hear us?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Thank you. Mr X, before we broke for the lunch adjournment we were at page 22 of your affidavit ...

MR X (through interpreter): Okay. Yes. I am on page 22.

20 **ADV KATE HOFMEYR:** And we had dealt with the cash withdrawal of R27 000,00 which occurred on 3 November 2015 and that is referred to in paragraph 68.11 on page 22 ...

MR X (through interpreter): Yes. I see that.

ADV KATE HOFMEYR: And then we - I would like us to move to paragraph 68.12 and I am going to take you to the relevant bank statement.

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Now in that paragraph you describe how some of the money that you previously tested you had moved to the Money Market account then comes back into the business account and I would like to just take you to that relevant bank statement ...

MR X (through interpreter): Okay.

ADV KATE HOFMEYR: And then you bought back - as I understand your evidence at paragraph 68.12 - you bought an amount of R280 000,00 back from the Money Market into the current account. Is that correct?

10 **MR X (through interpreter):** That is correct.

ADV KATE HOFMEYR: And then there was a withdrawal a few days later in October 2015. I would like to take you to the statement that reflects it. That is at page 1-2-7.

MR X (through interpreter): I am on page 1-2-7.

ADV KATE HOFMEYR: Unfortunately, I made an error there. Can we go to page 1-3-1 please?

MR X (through interpreter): I am on page 1-3-1.

ADV KATE HOFMEYR: Okay. So this is the bank statement that reflects as I understand your affidavit the money that comes back from
20 your Money Market account into the business account and you will see on that page highlighted in yellow that on 6 November an amount of R280 000,00 was transferred from and then there is a long account number there.

That was the previous account number we were looking at when there were transactions with the business account - with the

Money Market account. Is that correct?

MR X (through interpreter): Yes. I remember this.

ADV KATE HOFMEYR: And just to confirm. That was on 6 November 2015. Is that correct?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: And then if you go over to page 1-3-3. That is the following statement for the same period and what the statement reflects is that the on the same day - 6 November 2015 - there was a cash withdrawal at Richards Bay of R200 000,00. Do you see that?

10 **MR X (through interpreter):** Yes. I see.

ADV KATE HOFMEYR: Why was that ...?

MR X (through interpreter): Yes.

ADV KATE HOFMEYR: Why was that amount withdrawn?

MR X (through interpreter): Duduzile requested that I withdraw the money on her order.

ADV KATE HOFMEYR: And that is reference to Ms Duduzile Myeni. Is that correct?

MR X (through interpreter): That is correct.

20 **ADV KATE HOFMEYR:** Thank you and then there are further transactions that occur on 23 November 2015. Mr X, I am now referring to page 23 of your affidavit ...

MR X (through interpreter): I am on page 23.

ADV KATE HOFMEYR: And what you detail in that paragraph is again money moving back from the Money Market and then funds being withdrawn. I would like to take you to the relevant bank statements.

You will find the statement at page 1-3-5 of EXHIBIT DD31.

INTERPRETER: Page?

ADV KATE HOFMEYR: 1-3-5.

MR X (through interpreter): I am on 1-3-5.

ADV KATE HOFMEYR: Thank you and then you see there are two lines highlighted there of the transactions in yellow. The first one is a transfer into the business account from that account that we have previously identified as the Money Market. What was the amount that was transferred on 23 November into the account? Thank you.

10 **MR X (through interpreter):** R20 000,00 and R10 000,00 as well.

ADV KATE HOFMEYR: Yes. The - the 10 000 is reflected against a description that says:

“Cash withdrawal at Richards Bay.”

Do you see that?

MR X (through interpreter): Yes. I see that.

ADV KATE HOFMEYR: Why was the R10 000,00 withdrawn?

MR X (through interpreter): It is - it is - it can be my money or the balance of the money which was remaining in the Money Market account.

20 **ADV KATE HOFMEYR:** Do I understand you to not be certain about whether this R10 000,00 was withdrawn for your own purposes or to give to Ms Myeni?

MR X (through interpreter): I do not remember.

ADV KATE HOFMEYR: Thank you and then if we go over to page 1-3-7. You will see there that there are two transactions reflected on

25 November two days later than the transaction we were just looking at and what appears to happen on this page is again a transfer from the account we have identified as the Money Market account.

So an amount comes into your business account of R100 000,00 and immediately thereafter there is a cash withdrawal of R100 000,00.

MR X (through interpreter): I see both entries.

ADV KATE HOFMEYR: And what was the reason for the withdrawal of the R100 000,00 cash on 25 November 2015?

10 **MR X (through interpreter):** It was requested by Sis Duduzile.

ADV KATE HOFMEYR: Are you certain about that cash withdrawal having been a withdrawal that was requested by Ms Myeni?

MR X (through interpreter): Yes. I am sure.

ADV KATE HOFMEYR: And what makes you sure?

MR X (through interpreter): Looking at the amount.

ADV KATE HOFMEYR: I - I understood your testimony previously to be that you would sometimes have a need for smaller cash amounts in your business. I think you said up to around R10 000,00, but amounts greater than that would be amounts that were either requested by
20 Mr Majola or Ms Myeni in this case. Is that correct, Mr X?

MR X (through interpreter): That is correct.

ADV KATE HOFMEYR: Mr X, I would then like to move to the second two payments that Isibonelo received from Premier Attraction and for that purpose we go to page 24 of your affidavit.

INTERPRETER: Premier ...

ADV KATE HOFMEYR: Attraction.

INTERPRETER: Premier Attraction.

ADV KATE HOFMEYR: Yes. Now Mr X just to orientate ourselves in the chronology. You will recall that the first payment from Premier Attraction was received in October 2015 and what we have just dealt with in your evidence is the series of withdrawals in cash that you made after receiving that amount and which you have indicated were then handed over to Ms Myeni either herself or at the office of her home.

MR X (through interpreter): Yes.

10 **ADV KATE HOFMEYR:** So now I would like to move to the second payment that Isibonelo received from Premier Attraction and that was a payment we looked at the bank statement previously that was received in Isibonelo's bank account on 11 December 2015. Do you remember that?

INTERPRETER: 11 December 20 ...?

ADV KATE HOFMEYR: 15.

MR X (through interpreter): Yes. I remember that.

ADV KATE HOFMEYR: And as you record at page 24 it was in an amount of R1 150 000,00. Is that correct?

20 **MR X (through interpreter):** Yes.

ADV KATE HOFMEYR: Now please tell us what happened after you received this amount in the Isibonelo account?

MR X (through interpreter): I - I think she did call me after the money was deposited into the account, because if I remember well it was not reflecting exactly where this amount was coming from.

ADV KATE HOFMEYR: And what did she say in that conversation?

MR X (through interpreter): She said she will provide me with the banking details where I am supposed to transfer this money to.

ADV KATE HOFMEYR: And how did she provide those details?

MR X (through interpreter): If it was not via the SMS she did give me the banking details telephonically.

ADV KATE HOFMEYR: And what did you do after you received those details?

MR X (through interpreter): I then gave them to my secretary for her
10 to then deposit or transfer the money to that account.

ADV KATE HOFMEYR: Let us look at the bank statement that reflects that deposit. You will find that at page 1-3-9.

MR X (through interpreter): I am on page 1-3-9.

ADV KATE HOFMEYR: Mr X, you will see highlighted there in yellow again is a transfer out of the Isibonelo account of R1 million on 11 December 2015 and that was the same day that you received the payment we looked at previously of R1 150 000,00. Is that correct?

MR X (through interpreter): Yes. I see that transaction.

ADV KATE HOFMEYR: Now the description on this payment on the
20 bank statement reads as follows:

“IB payment to Jacob Zuma Foundation.”

And then an account number. Do you see that?

MR X (through interpreter): Yes. I see that.

ADV KATE HOFMEYR: Mr X, on the day that this payment was made into the Jacob Zuma Foundation account that was 11 December 2015.

Did you know who those monies were being paid to?

MR X (through interpreter): No. I did not know.

ADV KATE HOFMEYR: When did you first learn that the million Rand that was paid on 11 December 2015 was in fact paid to the Jacob Zuma Foundation?

MR X (through interpreter): It was when I was approached by this Commission as they were investigating about these funds. I did not know at the time and then they went to do investigations and came back and gave it a report that it was the Jacob Zuma Fund.

10 **CHAIRPERSON:** When - when Ms Myeni gave you the account number to which you were to transfer this amount. Did she not tell you who the holder of the account was?

MR X (through interpreter): I think she only gave us the account number without the holder or the name of the holder of the account and then my secretary did then process the account or punch the numbers, but it is possible that she did see the name of the holder of the account, but she did not ask me.

She might have seen who is the holder - the name of the holder of the account.

20 **CHAIRPERSON:** Do you remember whether Ms Myeni told you the account number telephonically or whether she met with you and gave you a document or piece of paper?

MR X (through interpreter): I - I do not remember, but there would be two ways that she would do it. If it was not during the telephone conversation she would ask me to bring a pen and then to write - for me

to write down the account number. Then it would be via an SMS.

CHAIRPERSON: Was it - did she do the same thing when she gave you other account numbers? She - did she give you only account numbers and did not tell you the identity of the account number?

MR X (through interpreter): I do not remember her giving me the name of the holder of the account. I do not remember.

CHAIRPERSON: In each case?

MR X (through interpreter): I am - I am. I did not get that Chair.

CHAIRPERSON: *Ja*. Just repeat your answer?

10 **MR X (through interpreter)**: Okay. It would happen in this way Chair. During the telephone conversation she would say to me get a pen. I will give the account number or she would forward it to me.

INTERPRETER: Can I just get clarity when she - he says forward it to me how?

CHAIRPERSON: (No audible reply).

MR X (through interpreter): Via SMS.

CHAIRPERSON: Yes. So are you saying to the best of your recollection whenever she gave you an account number in which to transfer money or to put money she would just give you the account
20 number without give you the name of the account holder?

MR X (through interpreter): Yes. That is what I am saying.

CHAIRPERSON: Yes. Were you not keen to find out from her who the account holder would be in each case or was it because you were going to find out anyway when you make the deposit or transfer?

MR X (through interpreter): Okay. I am - I am not good with

technology basically Chair. Computer and internet I am not good at - like I said intentionally. So when these things would come to me I would then hand over these things to the children and then as to how they are changing it whenever they only have the account number. I would not know that.

CHAIRPERSON: When you refer to the children are you referring to your secretary and your daughter?

MR X (through interpreter): That is correct.

CHAIRPERSON: Well the fact that you are not or you would not be
10 able to use technology to get the names of the account holders. I would have imagined would have made you more curious and ask her who the account holder was.

MR X (through interpreter): Well I - I think my - my secretary as she was processing the payment or transferring the money she was able to see who is the account holder - the name of the account holder, but she did not come back to me to report to me that this is what she saw as she was processing or transferring the money.

CHAIRPERSON: And you - and you did not ask her?

MR X (through interpreter): No. It was her money anyway.

20 **CHAIRPERSON:** No, no. I mean you did not ask your secretary who the account holder was in each case.

MR X (through interpreter): No. I did not ask her as to who was or who is the account holder. The only thing I wanted to know is that - is the transaction finalised. Is the money transferred? Then - that is all that I asked and she said yes.

CHAIRPERSON: I get the impression that you were not so interested in knowing who the money was being paid to. Is that right?

MR X (through interpreter): Correct, because it was painful or hurtful to see the big money coming into our account and then the next thing it is going out of your account. So for me it was like let it go. I do not want to see it.

CHAIRPERSON: Okay. Thank you. Ms Hofmeyr.

ADV KATE HOFMEYR: Thank you Mr X. The - I would like to deal with the treatment of the second - well the final of the three payments that
10 were received from Premier Attraction and you deal with that at page 24 of your affidavit. At the bottom of that page you indicate that:

“On 2 February 2016 Isibonelo received an amount of R1 million from Premier ...”

For the record we are going to refer to it as Premier Attraction and you go on and say:

“...and upon instructions from Ms Myeni an amount of R800 000,00 was paid out to the Jacob Zuma Foundation on the same day.”

I would like us to go to that bank statement - if we may.

20 **MR X (through Interpreter):** The page is?

ADV KATE HOFMEYR: The page is 143.

CHAIRPERSON: Do you confirm what has been said to you as coming out of the last paragraph at page 24 Mr X?.

MR X (through Interpreter): Confirmed.

CHAIRPERSON: Okay.

MR X (through Interpreter): 124?

ADV KATE HOFMEYR: 143.

MR X (through Interpreter): 143, apologies, 143. I am on page 143.

ADV KATE HOFMEYR: Mr X you will be happy to hear that we are on the last page of the last annexure of your affidavit so the end is close.

MR X (through Interpreter): Okay.

ADV KATE HOFMEYR: Mr X on this page you will recall we looked at the bank statement previously when the million rand comes into the
10 account, that bank statement reflected that it came into the account on the 2nd of February, and it appears from this statement that on the 4th of February, that's two days later, an amount of R800 000 was paid out and the description this time is IB payment to JGZF, do you see that?

MR X (through Interpreter): Yes I see that transaction.

ADV KATE HOFMEYR: Can you tell us again how it came about that after receiving the R1million on the 2nd of February from Premier Attraction this amount of R800 000 was paid out to the Jacob Zuma Foundation?

MR X (through Interpreter): I got the instruction from Ms Dudu.

20 **ADV KATE HOFMEYR:** And did it happen in the same way as the previous one where she called you telephonically?

MR X (through Interpreter): Yes.

ADV KATE HOFMEYR: And again how did she relay the details to you, did she give you just the account number or did she identify who the amount would be paid to?

MR X (through Interpreter): She only gave me the account number only.

ADV KATE HOFMEYR: And at the time did you have any knowledge that this payment of R800 000 was going to be made to the Jacob Zuma Foundation?

MR X (through Interpreter): No.

ADV KATE HOFMEYR: Mr X at the time that the R1million was paid in December of 2015 to the Jacob Zuma Foundation and the R800 000 was paid in February 2016 to the Jacob Zuma Foundation did you have
10 any intention to donate R1.8million to the Jacob Zuma Foundation?

MR X (through Interpreter): I have never donated money to Jacob Zuma Foundation.

ADV KATE HOFMEYR: Thank you.

CHAIRPERSON: Have you ever been asked to make a donation to the Jacob Zuma Foundation?

MR X (through Interpreter): No because I had no money to do so.

CHAIRPERSON: Yes.

ADV KATE HOFMEYR: Mr X I would now like to deal with the evidence that this Commission heard yesterday Mr Talenthe Myeni and I would
20 like to have your response to some of that evidence. I will ask you a series of questions about it.

CHAIRPERSON: Before you do so Ms Hofmeyr if you are able to now you could just let us know what the total is that was received from Premier Attraction by Isibonelo, is it three transactions.

ADV KATE HOFMEYR: It is three transactions.

CHAIRPERSON: Yes, and then he can confirm it, or you can do that later, as long as you are taking some steps.

ADV KATE HOFMEYR: Chair let me – indeed, can I just interpose there because you made a previous request that we also do a tracking of the total amounts received pursuant to the arrangement of Mr Majola. What I wanted to propose in that regard is there are a number of transactions that we need to calculate, and also there have been one or two respects in which Mr Majola has clarified in his evidence today that amounts that he in his affidavit might have indicated that he
10 thought were withdrawals for Mr Majola or Ms Myeni he now recalls might have been withdrawals for himself.

MR X (through Interpreter): Yes.

ADV KATE HOFMEYR: So what we wanted to propose in this regard it is an important piece of the puzzle and we would like to take a bit of time after today to put together a fully comprehensive supplementary affidavit that Mr X deposes to, so that he can have an opportunity to do the full tally, do the full account so that there is one record of it, of what was paid on instruction and what was otherwise utilised and what proportion was VAT as well because we would need to tally it against
20 that.

CHAIRPERSON: Yes, yes, no that is in order.

ADV KATE HOFMEYR: And my proposal is we do that both for the payments received pursuant to the arrangement of Mr Majola according to Mr X's evidence as well as the Premier Attraction payments.\

CHAIRPERSON: Ja, that's okay.

ADV KATE HOFMEYR: Thank you. So we will do that and that supplementary affidavit will be made available to the Commission. Mr X I would now like to just deal with what Mr Talente Myeni said in his evidence before the Commission yesterday. Mr Myeni's evidence before the Commission is that these three payments that Isibonelo received from Premier Attraction related to work that Isibonelo had done for Premier Attraction around the time that the payments were received.

Now what do you say in response to that?

10 **MR X (through Interpreter):** I have never worked for him.

ADV KATE HOFMEYR: And do you have any records of invoices that Isibonelo may have issued to Premier Attraction for these amounts?

MR X (through Interpreter): No.

ADV KATE HOFMEYR: And is it possible Mr X that Isibonelo was doing work for Premier Attraction and being owed these amounts of money without you knowing that it was doing the work?

CHAIRPERSON: I think put it differently, the question is whether it was possible that Isibonelo Construction may have done work for Premier Attraction without him knowing that Isibonelo Construction did
20 work for Premier Attraction?

Okay, okay, I think the problem is when you ...[indistinct].

Okay let's start again, Mr X is there any work that your company Isibonelo Construction, could do for anybody without you knowing that your company is doing work for that person?

MR X (through Interpreter): You mean a person would or a company

would work using my name or my company's name and I wouldn't be aware?

CHAIRPERSON: Yes, what is your position in Isibonelo if you are able to say that, but if you think disclosing that might not be appropriate for your safety then you must tell me but if you feel you can then you can tell me.

MR X (through Interpreter): I am the managing director from the way I understand the question. Well every work for my company comes from my office, as like I said I am the managing director so there is no
10 work that will be done outside my office for an example that I wouldn't know about.

CHAIRPERSON: Yes, so anyone who gets your company to do work for them you would know about that work, is that right?

MR X (through Interpreter): Yes.

CHAIRPERSON: Okay. I hope ...

ADV KATE HOFMEYR: That clarifies it, I am indebted Chair and Ms Khumalo thank you. Mr X Mr Talenthe Myeni's evidence yesterday was effectively that what you are telling the Commission now is a lie, because he says that this work was done and as a result of that
20 Premier Attraction owed Isibonelo just more than R3million. In the light of that I want to ask you whether your evidence today has been untruthful?

MR X (through Interpreter): What I am telling the Commission it is the truth.

ADV KATE HOFMEYR: Thank you.

CHAIRPERSON: Would you have any reason not to have kept the money if you had done work and had been paid for doing work?

MR X (through Interpreter): There would be no reason because I need the money so I would have kept it.

CHAIRPERSON: Thank you.

ADV KATE HOFMEYR: Mr X is there any way in which you are going to benefit from giving the evidence that you have given today?

MR X (through Interpreter): No there is nothing that I would benefit.

10 **ADV KATE HOFMEYR:** And do you lose anything by giving the evidence today?

MR X (through Interpreter): I lose hope for survival, for living. And losing friends, even the community would regard me as a person that cannot be trusted because they don't know the truth.

ADV KATE HOFMEYR: And Mr X has your evidence, giving your evidence yesterday and today affected your family in any way?

MR X (through Interpreter): Too much, they were even afraid to go to sleep, waiting for me at the neighbours.

ADV KATE HOFMEYR: Why were at the neighbours?

20 **MR X (through Interpreter):** They didn't know what was going to happen to me after this.

ADV KATE HOFMEYR: And Mr X you indicated in your *in camera* application to this Commission that your daughter had received a call on the 24th of January this year. Can you please tell us about that call?

MR X (through Interpreter): What happened is after I was

approached by the investigating team of the Commission they were asking me questions about this monies and then I said please go back to those people who were depositing money into my account and ask them as to why were they depositing monies into my account. Then he left, he came back after going to find out about why these people were depositing money into my account. That is when the following day my daughter received this call from Dudu Myeni to say your father is selling us out.

ADV KATE HOFMEYR: And how did your family react to receiving that
10 call?

MR X (through Interpreter): When I related this to my family I tried to put it lightly because I don't want to scare them off, like to scare them, so ja that is how I related to my family.

ADV KATE HOFMEYR: Thank you Chair, those are our questions.

CHAIRPERSON: Mr X did Ms Dudu Myeni have your daughter's number before this day when she called her. As far as you know had she called her before and so on?

MR X (through Interpreter): Yes because we are family or we regard each other as family so we do have our children's contact details as
20 well, or phone numbers.

CHAIRPERSON: But do you know for sure that she had called, Ms Dudu Myeni had called your daughter before this day?

MR X (through Interpreter): It may happen that the last call would have been two years before that day or a year and a half

CHAIRPERSON: Is that – are you talking about a call between your

daughter Mr Myeni?.

MR X (through Interpreter): That is correct.

CHAIRPERSON: And did you check the number on your daughter's cell phone by any chance?

MR X (through Interpreter): No I didn't.

CHAIRPERSON: Yes, okay. Now when these amounts that you had testified about were deposited or transferred into your company's account did you say you never asked Mr Majola why it was necessary that these payments should be transferred or paid into your company's
10 account when you really had nothing to do with them?

MR X (through Interpreter): Like I said yesterday as we were having this conversation myself with Mr Majola I was probably said I would go and work on the site, number two if there is no money coming into my account that money is looked at as turnover and it improves the grading of my company, they call it CIDB, so that money improves, the grades that start from 1 to 9 DB, so it improves the grading of my company.

CHAIRPERSON: When you talk about those payments improving the grading of your company, do you mean that your company would be seen as doing business that involves large transactions?

20 **MR X (through Interpreter):** Yes.

CHAIRPERSON: Yes, so are you saying that that is what Mr Majola said namely these amounts would be paid into your account so that your company's grading could be improved or are you saying that that simply the benefit that you saw for your company were in regard to these payments.

MR X (through Interpreter): It was the way I viewed it that it would benefit me that it would upgrade the grading of my company or improve the grading of my company.

CHAIRPERSON: If I recall correctly you said yesterday that your attitude was that the payment of these amounts into your company's account was wrong, am I correct?

MR X (through Interpreter): I did explain as to why I said it was wrong, if I remember yesterday I did respond to that question.

CHAIRPERSON: I think he means he could explain now if he can be
10 given the context of how he came to give that answer yesterday.

MR X (through Interpreter): If the question can be repeated again yes.

CHAIRPERSON: I think I asked you yesterday whether you thought there was anything wrong with your company receiving these payments that Mr Majola had arranged with you would be paid into your company. Do you remember me asking you that question?

MR X (through Interpreter): Yes, I remember.

CHAIRPERSON: Am I right to think that your answer was that you thought these payments were wrong, receiving these payments was
20 wrong?

MR X (through Interpreter): Yes. The reason – can I explain?

CHAIRPERSON: Yes, why did you think it was wrong?

MR X (through Interpreter): Okay, if you could remember I was hoping that I will visit the site, the work for this money which was coming into my account every now and again but my visiting or going to

work at the site was – kept on being postponed, so now I was receiving this money without having seen the actual work that was done for this money which was being deposited into my business account.

CHAIRPERSON: Am I right to think that you thought that this was something that should not be happening, namely payment of these amounts into your account in circumstances where you had done any work?

MR X (through Interpreter): Yes you are right.

CHAIRPERSON: Why didn't you at any stage say to Mr Majola I think
10 this is wrong, please don't – let us not continue with this arrangement?

MR X (through Interpreter): Like I said yesterday to him this business was – this thing was already going on, so to him if I said to him let this stop it would have been like I am being jealous of him if I stopped it.

CHAIRPERSON: And then let's talk about the payments from Premier Attraction.

MR X (through Interpreter): Yes.

CHAIRPERSON: Now I think you said that prior to you becoming
20 aware of the first payment into your company's account, the money from Premier Attraction you were not aware or nobody had spoken to you to alert you that some payment would be made into your account?

MR X (through Interpreter): Yes that is correct.

CHAIRPERSON: But after you had become aware you said you did get a call from Mr Myeni is that correct?

MR X (through Interpreter): Yes.

CHAIRPERSON: I know it is – it is many years ago but I would like you if you can to cast your mind back to that conversation that you had with her and try and tell me exactly how that conversation went.

MR X (through interpreter): Okay, I would honestly need help because I am not sure if the number I am using currently is the number I was using when she called me so I will have a problem with that which phone exactly or phone number basically that I was using then when I received a call because I had to change numbers.

CHAIRPERSON: No, what I wanted is, if you are able to help me, is just
10 the content of the discussion. She called you, what did she say as much as, tell me as much as you can remember? I accept that you might not remember a lot about the conversation but tell me as much as you can as to how that conversation went? She called you, what did she say?

MR X (through interpreter): Maybe if I can go back to my office something can bring back my memory but right now, I do not remember the content.

CHAIRPERSON: Okay, alright, but you have told us something that she told you in that conversation, is it not?

MR X (through interpreter): Okay, like I said, there was money which
20 was deposited into a account, it was one million, literally we sat down and we looked at it, waiting to hear where this money was coming from because there was no reflection where this money was coming from. Two, three days after, then Miss Myeni called us and asked me did you see the activity in your account? There is money which came into your account. So she was asking as to whether did I see that money.

CHAIRPERSON: Yes, no, that is helpful. So, she asked you whether you saw some activity into in your account right?

MR X (through interpreter): Yes.

CHAIRPERSON: And what did you say in response?

MR X (through interpreter): Then I think what happened next was to wait for her, I think there was an arrangement now as to how this money was going to get to her, because it was her money which was deposited into my account so I was waiting for her to instruct me on how, what to do with the money.

10 **CHAIRPERSON:** Did she say that she was talking about the money that came from Premier Attraction, or did she not mention the name of the company?

MR X (through interpreter): She just said did you see that there was money which was deposited into your account?

CHAIRPERSON: And did you say yes, you saw?

MR X (through interpreter): Yes, we saw it, it is in the account.

CHAIRPERSON: How did you know which amount she was talking about? Which money there that had come in which she was talking about?

20 **MR X (through interpreter):** I know that, basically I know the references of the people that I have worked for or worked with. This one it was money that I did not know where it was coming from, but the reference was PA1016.

CHAIRPERSON: In the, but in the end both of you were quite clear that you were talking about the same amount?

MR X (through interpreter): Yes. That is correct. The fact that she persuaded to get this million, I did not have it so yes I did not have the million, so it was clear that it was her money.

CHAIRPERSON: At the time when on the two occasions that you say she asked you to pay the money into an account which later turned out to be the account of the Jacob Zuma Foundation. Was your company in a financial position where it could have donated the amounts that you transferred into the Jacob Zuma Foundation account?

INTERPRETER: Did your company, I did not get that?

10 **CHAIRPERSON:** Was your company financially in a position to make a donation as large as the donation, as the amounts that you, you paid over to the Jacob Zuma Foundation?

MR X (through interpreter): When my-my-my company's account at that time when I received this million, had a balance of -840.

CHAIRPERSON: And its situation had not changed substantially when the second amount came in that you were asked to pay over to the Jacob Zuma Foundation?

MR X (through interpreter): No, it did not change.

CHAIRPERSON: Okay, alright. Miss Hofmeyr, anything?

20 **ADV KATE HOFMEYR:** No Chair, not at all.

CHAIRPERSON: Mr X, we have come to the end of your evidence. Later on I will weigh up your evidence together with the evidence of any other person who may come and give evidence on the matters on which you have given evidence. At this stage I cannot say what the truth is because I must still hear other Witnesses. But I do want to thank you for coming

to the Commission to give evidence and assist the Commission even when you were, you felt that your safety and that of your family was under threat. The Commission will do everything it can to make sure that you are provided with protection, obviously it can only go up to a certain point but it will do everything that it is able to do and I also just want to tell you that we need more South-Africans who will come and assist the Commission and give Evidence, even if there may be threats to their safety and their lives. But we do appreciate that it is not always easy, but to those who do come despite those situations we are deeply indebted
10 and we appreciate it and we just want you to know, you and your family to know that the Commission is grateful that you were able to come and give evidence despite the situation that you have described. If later on we need you to come back, we will ask you to come back and I hope you will be able to come. You understand?

MR X (through interpreter): Yes.

CHAIRPERSON: Thank you very much you are now excused.

MR X (through interpreter): May I say something?

CHAIRPERSON: Yes – yes sure.

MR X (through interpreter): I would like to say this to the community
20 members where I stay. My Sisters, my Children, my Friends, I did not come here to sell out anyone. I was forced by the statement which was brought to me by the Commission. I could not change it but I had to tell the truth. I could not change it. Thank you.

CHAIRPERSON: Okay is that all you wanted to say?

MR X (through interpreter): Yes, that is correct.

CHAIRPERSON: Is there anything else that you might not have been asked which you feel you would like to say in regard to any of the matters that you have dealt with?

MR X (through interpreter): Nothing.

CHAIRPERSON: Okay thank you, you are excused. Yes Miss Hofmeyr?

ADV KATE HOFMEYR: I think that is us for the day, Chair.

CHAIRPERSON: Yes, I thought we would finish at three.

ADV KATE HOFMEYR: Yes, Chair I have given up estimating time, I told my learned Junior that he must just stop me, I must give no expectation.

10 **CHAIRPERSON:** No, but it is okay. Tomorrow who is our Witness?

ADV KATE HOFMEYR: Chair, tomorrow there is another In-Camera application which will need to be dealt with initially and then there are Witnesses dealing with State Security matters.

CHAIRPERSON: Yes, okay no that is fine. Shall we start at normal time?

ADV KATE HOFMEYR: I think normal time should be fine Chair, indeed.

CHAIRPERSON: Okay, alright. Okay we will adjourn then for the day and tomorrow we will start at normal time, namely 10 o'clock. We adjourn.

INQUIRY ADJOURNS TO 19 FEBRUARY 2020