
AFFIDAVIT

I, the undersigned,

WITNESS 3

do hereby state under oath that:

1. I am employed in a senior security position in the Transnet Group. I have been employed in my current position since 2019.
2. The facts contained in this affidavit are both true and correct and within my personal knowledge, unless the context provides otherwise. Where facts have been provided to me by third parties, I verily believe that such facts are true and correct and, in my considered opinion, I have no reason to believe otherwise.

INTRODUCTION

3. I joined the South African Police Service ("SAPS") during June 2002. Thereafter, I was deployed at the Pretoria Central Police Station for a period of two years.
4. During 2004, I joined the VIP protection unit of the SAPS and in that period I completed a six months VIP protection training course to become a close protection officer ("CPO").
5. The duties of a CPO include the following:
 - 5.1 Performing advanced planning and venue assessments;
 - 5.2 Performing operational route planning and review;

- 5.3 Performing site security risk assessments; and
- 5.4 Provide secure driving services for principals.
6. During 2005, I was assigned, together with a colleague as a CPO to protect the then Deputy Minister of Home Affairs, Malusi Gigaba ("Gigaba" or "Minister").
7. During the period of providing CPO services for Gigaba (in his position as Deputy Minister), I accompanied him on a number of occasions on visits to the Sahara Computers business address in Midrand. At the time I was not aware that Sahara Computers was owned by the Gupta family or, in fact, who the Guptas are.
8. I resigned from the SAPS and as CPO for Gigaba during 2008 to join a private group of companies where I performed VIP protection duties until December 2010.

APPOINTMENT AT TRANSNET AND SECONDMENT TO DPE

9. Around April 2013, I received a call from an official from the Department of Public Enterprises ("DPE") who enquired if I would be interested to meet with the Minister regarding VIP protection services required by the minister. At that time, Gigaba was the Minister for DPE.
10. I subsequently attended a meeting with Gigaba and a manager in his office, in Pretoria. During the meeting, the manager discussed Gigaba's security profile and the reasons for additional protection services required by the Minister. He indicated that I would be required to provide close protection and vehicle backup duties to the Minister, together with VIP SAPS officers already assigned to protect the Minister. I indicated to the Minister and the manager that I would be interested to work for the Minister.

11. Sometime in May 2013, I received a call from an official from Transnet who invited me for an interview with General Rodney Toka ("Toka") the general manager for security at Transnet. I attended the interview and was offered the position of CPO for executive directors of Transnet. A few days later I received an offer of employment and I accepted the appointment with effect from 1 June 2013.

12. During the first month of my employment at Transnet, a colleague and I attended a security training course at the Transnet training campus in Esselenpark.

13. In July 2013, shortly after completing the course, my colleague and I were informed by Toka that we were seconded to the DPE in order to perform CPO duties for Gigaba and vehicle backup support for Gigaba's SAPS VIP protection officers.

14. During December 2013, two additional SAPS officials were assigned to assist with the VIP protection of Gigaba. As a consequence, our services were no longer required and our secondment to DPE came to an end at the end of December 2013.

CPO SERVICES TO MINISTER GIGABA

15. In order to provide the close protection and vehicle backup support for Gigaba, my colleague and I were each issued with a Chevrolet Aveo rental vehicle from Transnet.

15.1 The registration number of the Chevrolet Aveo motor vehicle issued to me was CN 22 PL GP.

15.2 My colleague and I were required to keep logbooks of our travels with the vehicles. Used logbooks were given to our manager, Witness 1, for safekeeping.

16. As part of our vehicle backup duties, my colleague and I would be following the Minister's official BMW vehicle at close range to scheduled destinations in one of our Chevrolet vehicles. The Minister's two SAPS VIP officers would be travelling with him in the official vehicle.

17. Usually on a Friday afternoon, Gigaba's personal assistant ("PA") would provide either my colleague or myself with a printout of the Minister's diary for the following week. The diary would inform us of the Minister's meetings and movements for the next week. If meetings or venues changed, the PA would provide us with an updated diary printout or she would inform us verbally of new meeting destinations.

18. It sometimes happened that the Minister would inform us on short notice that he will be going to unscheduled destinations and/or unofficial meetings. Some instances that I can recall are discussed later in the statement.

19. As part of the CPO and vehicle backup duties, my colleague and I usually did reconnaissance at the venues where meetings were to be held, prior to the Minister's arrival, in order to ensure that his safety was not compromised. In instances where the Minister attend unscheduled meetings, prior reconnaissance would not have been possible.

GIGABA'S VISITS TO THE GUPTA RESIDENCE

20. I can recall that during the period July to December 2013, I escorted the Minister as part of his convoy on unscheduled visits to the Gupta residence in Saxonwold Drive, Johannesburg in approximately six or seven instances. During the visits, I drove the backup vehicle and followed Gigaba's official vehicle into the residence. On one occasion however I drove the Minister personally to the Gupta residence without his convoy.

20.1 None of these visits were recorded in the Minister's diary.

20.2 By instruction of the Minister, I did not record the trips to the Gupta residence in the logbook of my allocated vehicle, as those were unofficial trips.

21. On such occasions I would be waiting in my vehicle in the parking area inside the premises while Gigaba attended meetings inside the house.

22. Whilst waiting in my vehicle for Gigaba to return from meetings inside the Gupta residence, I noticed, on different occasions, people arriving or leaving the premises that I recognised. Individuals in this regard include:

22.1 Brian Molefe ("Molefe"), Group Chief Executive Officer ("GCEO") of Transnet and later GCEO of Eskom;

22.2 Matsjila Koko, CEO of Eskom;

22.3 Ben Ngubane, former minister and chairperson of ESKOM; and

22.4 Linda Mabaso, former chairperson of Transnet.

23. On one such occasion I saw former President Jacob Zuma's convoy leaving the Gupta residence.

24. During visits to the Gupta residence, I could sense that Gigaba was nervous, as on arrival at the venue, he would get out of the official vehicle very quickly and almost run towards the door of the residence.

CASH CARRIED BY GIGABA

25. During the same period that I worked for Gigaba, I noticed that he used to carry large amounts of cash with him. I wish to highlight the following instances in this regard:

26. One day I was present when Gigaba opened the boot of the official vehicle to take out money to buy lunch for us (the SAPS officials and CPOs). Inside the boot was a travel bag which he opened and I could clearly see that the bag was stacked with bundles of

R200 notes tied with rubber bands. I was shocked to see that Gigaba was travelling with that much cash in the boot of the vehicle.

27. On more than one occasion I was present when Gigaba bought expensive tailored suits from the Fabiani clothing store in Sandton City. Gigaba paid in cash for the suits, which he produced from a bag that he used to carry with him.

28. On a number of occasions (approximately 3 times), Gigaba met with Molefe at the Bukhara Restaurant in Sandton City where he paid for meals and drinks in cash.

CPO SERVICES TO ANOJ SINGH

29. During January 2014, I was deployed as security manager to provide security services at the Transnet offices in the Carlton Centre.

30. After some time, I received a call from Witness 1 who informed me that Toka had assigned me to the office of the Group Chief Financial Officer ("GCFO") to perform driver and CPO duties for Anoj Singh ("Singh"). I occupied this position during July 2014.

31. On a normal working day, I used to pick Singh up at his home in the morning at around 06:30 in Wendywood and from there drive him to the Carlton Centre. After work I would drop him off at his home again.

32. During the course of the day I would drive him to meetings or to whichever destination he would instruct me to. Singh's Personal Assistant would usually provide me with his meeting schedule for the following week on a Friday afternoon.

33. It sometimes happened that his meetings lasted until late in the evening which caused me to arrive home after 22:00 or even later.

34. During the period for which I was assigned as CPO for Singh, I can recall that I used the following two Transnet vehicles to transport him on official duties, namely:
- 34.1 White Mercedes Benz C220 with registration number DT 77 MM GP; and
- 34.2 White Mercedes Benz E350 with registration number DN 87 KF GP.
35. I kept logbooks of trips undertaken with the abovementioned two vehicles. Used logbooks were given to Witness 1 for safekeeping.
- 35.1. I have subsequently attempted to obtain the logbooks for these vehicles in order to substantiate the trips undertaken for Singh, but was informed that the logbooks could not be located.
36. In instances Singh would drive to the office with his private vehicle, a blue BMW M3, on Monday mornings and on Friday afternoons, he would travel home with his vehicle. The vehicle would be parked in the basement of the Carlton Centre during the week.

SINGH'S VISITS TO THE GUPTA RESIDENCE AND KNOX VAULT

37. During the period of performing CPO duties for Singh, I transported him to the Gupta residence in Saxonwold Drive in Johannesburg on more than ten occasions. None of these meetings were prior scheduled or recorded in his diary.
38. Upon arrival at the Gupta residence, I would park the vehicle in the parking area inside the premises and I would wait in the vehicle for him to return. The meetings usually did not last longer than 20 to 30 minutes.
39. After each of the meetings, Singh would usually appear from the residence with a sports bag which appeared to be full. I suspected that the bags contained money. Singh would

knock on the boot of the vehicle and I would open it from the inside. He would then put the bag in the boot.

40. My suspicion that the bags that Singh collected from the Gupta residence contained money was confirmed, when, on one occasion, he opened the bag which he had earlier collected from the Gupta residence inside the boot of our vehicle to give me some money to buy lunch. When he opened the bag I could clearly see that the bag was stacked with R100 and R200 notes.
41. In a few instances, after visits to the Gupta residence, Singh would instruct me to drive to Knox Vault at the corner of Riviera and River streets, across the road from the Killarney Mall. Singh would then take the full bag from the boot of our vehicle and go into the Knox Vault building, whilst I would wait for him in the vehicle in the parking area. After a few minutes he would return to the vehicle and I could see that the bag that he carried was now empty. I suspect that Singh had deposited the contents in a safe at Knox Vault.
42. To the best of my recollection, I had taken Singh to the Knox Vault on six or seven occasions after visits to the Gupta residence.
43. It should be noted that we never discussed what happened at the Gupta residence, or what the bags that he collected from the residence contained or the reasons for the visits to the Knox Vault.
44. I furthermore recall a day some time in 2015 when I was driving Singh to a scheduled meeting. On the way he received a call on his cellular phone. After he had finished the call, he instructed me to divert from our route and immediately drive to the Gupta residence. I could hear that there was some panic in his voice. We consequently rushed

to the Gupta residence and on our arrival Singh got out in a hurry. I waited in the parking area for approximately an hour and a half for him to return from the meeting.

45. When Singh returned from the meeting at approximately 17:30, he appeared to be nervous and stressed. When he got into the vehicle, he said "*Fuck this thing*". He then instructed me to drive him home and to turn off the radio. Shortly thereafter he fell asleep. This was unusual behaviour from him.

BAGS RECEIVED FROM MEN OF ASIAN DESCENT AT THREE RIVERS LODGE

46. During July 2014, the Transnet Executive Management attended a week long strategy session at the Three Rivers Lodge in Vereeniging.
47. I dropped Singh off at the venue early in the week and picked him up on the Friday afternoon again.
48. While I waited for Singh on the Friday afternoon to finish at the session, I noticed four men who appeared to be from Asian descent (they looked like Chinese men to me) standing around a Hyundai H1 vehicle in the parking area. Two of the men appeared to be busy with a conversation on a cellular phone.
49. The next thing I noticed how the two men (who spoke on the cellular phone) took two luggage bags from the vehicle, one black and the other one maroon, and went inside the lodge area where the Executive Management meeting was held.
50. At around 15:00 I received a sms from Singh requesting me to come to the conference room where the meeting was held. As I entered the room, the two men who took the luggage bags into the lodge were in the room together with Molefe and Singh. Singh pointed to the maroon luggage bag and requested me to take the bag to our vehicle. I took the bag and put it in the boot of the vehicle.

- 50.1. I need to mention that the bag was really heavy. I however I did not know what it contained at the time.
- 50.2. I recognised that bag as one of the luggage bags that the Chinese men had earlier taken into the meeting room.
51. While I was seated in our vehicle, waiting for Singh after putting the maroon luggage bag in the boot of the vehicle, I saw Molefe's driver (I cannot clearly recall if it was Witness 1 or a colleague) pulling a black luggage bag from the same lodge venue to the vehicle that was used to transport Molefe.
- 51.1. I recognised this bag as the other bag which the Chinese men had earlier taken into the meeting room.
52. The next Monday, Singh drove to the Carlton Centre with his BMW M3. He left the vehicle in the basement for the week. That Friday afternoon, I was about to take Singh's vehicle to the car wash. As usual, I checked that there were no valuables in the boot that could go missing. As I opened the boot, I saw the maroon bag that I had collected at the Three Rivers Lodge the previous Friday. When I picked the bag up, I realised that it weighed less than before. I opened the bag to see what was inside and I noticed a couple of rolls of R200 notes. I sms'ed Singh and informed him that the bag was still in the car. He immediately came down to the basement and collected the bag from me.

VISITS TO SAHARA COMPUTER'S OFFICES

53. During the period that I provided CPO services to Singh, I took him to the Sahara Computer offices in Midrand on a number of occasions to attend meetings. I do not know with whom he met, as I always waited for him in the vehicle in the parking area.

54. On a few occasions Singh would instruct me to drive to Sahara Computers' offices after hours where we would pick up his close friend. I would usually drop them off at his close friend's residence in Midrand.
55. Singh's close friend initially worked for Transnet but she was later employed at Sahara Computers.

CPO SERVICES TO GARRY PITA

56. During April 2015, Singh was seconded to Eskom. He requested that I join him at Eskom, but I decided to stay on at Transnet.
57. As I was already assigned to the office of GCFO I continued with my duties as driver and CPO for the newly appointed CFO, Garry Pita ("Pita"). I serviced Pita until the year of 2018 when he resigned from Transnet.
58. I used the same two Mercedes Benz vehicles to transport Pita as I had used to transport Singh. As indicated in paragraph 35.1 above, the logbooks for these two vehicles could not be located.

VISITS TO THE GUPTA RESIDENCE AND KNOX VAULT

59. To the best of my recollection I transported Pita to the Gupta residence on two occasions only.
60. I recall that the first occasion that I transported Pita to the Gupta residence was on the Friday in the week immediately preceding the week in which he was appointed as the Transnet GCFO. I stayed in the vehicle while Pita went inside the Gupta residence. The meeting took about one hour.

61. The second time that I transported Pita to the Gupta residence was some time during 2017. He was very upset when he returned from the meeting. He was red in his face and he swore a lot. He mentioned something about a R600 million payment and some timelines, but I didn't understand what it was all about.
62. I did not see Pita returning from these meetings carrying any bags.
63. I did however transport Pita to the Knox Vault opposite the Killarney Mall on approximately six occasions. This would usually be some time during the week on the way to the office. In these instances, I would pick Pita up at his house, but instead of driving to the Carlton Centre, we would first stop at the Knox Vault where Pita would take a sports bag from the boot of the vehicle and go into the building. He would return a few minutes later with the same bag which now appeared to be empty. I would wait for him in the vehicle in the parking area. From Knox Vault we would usually proceed to the office.

MEETINGS WITH SALIM ESSA

64. During the period 2016 to 2018, I transported Pita on approximately 15 occasions to the Parreirinha restaurant in Turffontein for meetings with Salim Essa ("Essa"). They would have extended lunches and would drink a lot of alcohol. We would usually arrive at the restaurant at around 13:00 on Friday afternoons and only leave at around 19:00. Usually when we left the restaurant, Pita would be quite under the influence of alcohol and he would fall asleep in the vehicle on the way back to his house.

SUBSEQUENT DUTIES AND RESPONSIBILITIES

65. After Pita's departure from Transnet during 2018, I performed CPO duties for the then acting GCFO (current acting GCEO), Mohammed Mahomed until the end of February 2019.

66. I am still employed in security functions in the Transnet Group.

SECURITY MATTERS

67. In this statement I have discussed in detail my personal experience and knowledge of, what in my view, are inappropriate interactions of former Minister Gigaba, Singh and Pita with the controversial Gupta family and Essa.

68. As appears from my statement, I have provided driver and CPO services to these individuals and I was in a trust relationship with each one of them. In the course of performing CPO duties to them I was privy to confidential personal and business related information (DPE and Transnet) and it was expected of me to treat this information with the utmost confidentiality.

69. Since I came to know more about the whereabouts of the Guptas and Essa through media reports, I realised that the visits of Gigaba, Singh and Pita to the Gupta residence and collection of money from the Guptas may form part of a bigger scheme of fraud and corruption and that I could no longer keep the information to myself. I felt that I was also no longer bound by any confidentiality towards them.

70. The opportunity to share the information of Gigaba, Singh and Pita's inappropriate dealings with the Guptas and Essa came when I was invited for an interview by Investigators of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State ("the Commission") on 29 April 2019. During that interview and various subsequent interviews, I shared everything I considered to be of relevance with the Investigators in that regard.

71. I wish to state that I am fully committed to present my version of events, as set out in this affidavit, at the Commission hearings.

72. I do however have certain concerns to give testimony in public at the Commission hearings, should I be requested to do so. My concerns are as follows:

72.1. I am concerned about my own and my family's safety and security, specifically during and after my testimony. I am aware that Witness 1 had received certain communications from unknown cellular numbers, *inter alia* indicating that he should watch his back and that he should not co-operate with the Zondo Commission. I do not know to what extent my interaction with Investigators of the Commission are being followed by the same person(s) and/or potentially implicated persons.

It should be stated that I have not received any threats or other unsolicited communications thus far.

72.2. Apart from physical protection, other critical features of a CPO are trust and loyalty towards a principal and to treat all information, private and business related, gained in the course of performing close protection duties with utmost confidentiality. In my testimony I will disclose confidential information about Gigaba, Singh and Pita gained in my capacity as CPO for them. Although the information which I am about to share in respect of each of them is of an inappropriate and possible criminal nature, my intentions may not be viewed in the same way by Transnet executives and other senior personnel whose own inappropriate actions have not yet been exposed. By disclosing this information at the Commission hearings may be seen as a breach of trust and confidentiality. I may also be seen as not being trustworthy or loyal towards my principals and by other colleagues in the security industry. This could have a potential negative impact on my current and future career as a security professional.

72.3. In my current position as a senior security official in the Transnet Group, I am in regular contact with executives of Transnet. Many of these executives were in those positions or other senior management positions within the Transnet Group during the same period which Singh and Pita were the GCFOs and Gigaba the Minister of DPE. To the best of my knowledge, the 1064 locomotive supply contract was concluded under the watch of Gigaba and Singh. Large parts of the locomotive contract, such as the building and maintenance of the diesel locomotives are performed at Transnet in Koedoespoort. As stated, Gigaba and Singh will specifically be implicated in my evidence at the Commission. I do not know to what extent they may still have contact with Transnet executives and other personnel within the Transnet Group. I am consequently concerned that my future employment at Transnet may be at risk.

72.4. In my role as senior security official, I am currently not performing any close protection duties. However, during specific events such as visits by international delegations or board and/or Group Exco events within the Transnet Group, I may be required or instructed to act as CPO for VIP guests, board members or members of Group Exco. In doing so, I may compromise the safety and security of those persons, due to the fact that my identity will be known, should I be required to give evidence in public.

73. I hereby request that, should I be requested to give evidence at the Commission hearings, my identity be protected as far as possible, taking into consideration my concerns set out above.

Signature redacted
Witness 3

I certify that the deponent who acknowledges that he knows and understands the contents of this affidavit; that it is the truth to the best of his knowledge and belief and that he has no objection to taking the prescribed oath and regards the same as binding on the deponent's conscience and the administration of the oath complied with the Regulations contained in Government Gazette No. R1258 of 21 July 1972, as amended. This affidavit is signed and sworn to before me at Pieteria on this the 14 m day of September 2020 at 10:14.



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AD 10-05

COMMISSIONER OF OATHS

EX OFFICIO:

FULL NAMES:

CHOEU PROMISE

PHYSICAL ADDRESS:

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koedoespoort

DESIGNATION:

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