



2<sup>nd</sup> Floor, Hillside House  
17 Empire Road  
Parktown  
Johannesburg  
2193  
Tel: (010) 214-0651  
Email:  
[inquiries@sastatecapture.org.za](mailto:inquiries@sastatecapture.org.za)  
Website:  
[www.sastatecapture.org.za](http://www.sastatecapture.org.za)

**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

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Date: 7 September 2020

Our reference: Ms Farrhah Khan

Email: [farrhahk@commissionsc.org.za](mailto:farrhahk@commissionsc.org.za)

**Mr Peter Malungani**

**C/o ENSAfrica**

By Email: [ksiphuma@ensafrika.com](mailto:ksiphuma@ensafrika.com)

Dear Sir

**Affidavit of Mr Chris Todd**

1. I write this letter on the directions of the Chairperson of the Commission.
2. We record that you were provided with the affidavit of Mr Chris Todd deposed to on 14 July 2020. Mr Todd's affidavit is once again attached to this letter marked "A".
3. Kindly note that Mr Todd will be called to give evidence before the Commission on a date yet to be determined. You will be notified of the date when Mr Todd's evidence will be heard. To the extent that you or the Transnet Board of February

2011 may be implicated in any wrongdoing in the said evidence, you will be entitled to the rights that any implicated person has in terms of the Rules of the Commission. You are also entitled to be assisted by a legal representative of your choice when that evidence is presented.

4. It is specifically drawn to your attention that, if you wish to:

4.1 give evidence yourself;

4.2 call any witness to give evidence on your behalf; or

4.3 cross-examine the witness

then you must apply, in terms of Rule 3.4 of the Rules of the Commission, within fourteen (14) calendar days of this notice, in writing to the Commission for leave to do so.

5. An application referred to in paragraph 4 above must be submitted to the Secretary of the Commission. The application must be submitted with an affidavit from you in which you respond to the witness's statement insofar as it may implicate you. In the affidavit you must identify what parts of the witness's statement you dispute or deny and the grounds on which you dispute or deny them.

6. If you wish to apply for leave to cross-examine the witness, you must bring a substantive application.

7. In the event that you believe that you have not been given a reasonable time from the date of this letter to the date on which the witness is to give evidence and you

are prejudiced thereby, you may apply to the Commission in writing for such order as will ensure that you are not seriously prejudiced.

8. The witness statement and annexures provided to you are confidential. Your attention is drawn to Regulations 11(3) governing the Commission, which make it a criminal offence for anyone to disseminate or publish, without the written permission of the Chairperson, any document (which includes witnesses' statements) submitted to the Commission by any person in connection with the Commission's inquiry

Yours sincerely



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**MS K B SHABALALA**  
**Acting Secretary**  
**Judicial Commission of Inquiry into Allegations**  
**of State Capture, Corruption and Fraud in the Public Sector including Organs of**  
**State**