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CHAIRPERSON: Good morning everybody. Advocate Lebala, just remind me, yesterday was the witness sworn in?

ADV LEBALA: He was sworn in Chair.

CHAIRPERSON: Thank you. Can you ask the witness to  
5 confirm that he is still under oath?

MR SMITH: I do.

ADV LEBALA: Chairperson, Commissioner Musi, had I  
known that we were proceeding this way I would have  
requested that it should be halted given the fact that the legal  
10 representatives of ARMSCOR of whom Mr Smith is a client are  
not here, we do not understand why, a message has been  
remitted to us that they are being delayed and we are just  
going to request your indulgence that their importance in  
assisting this process cannot be over-emphasised. One  
15 acknowledges that there has been delays that we know that are  
worrying everybody, more significantly yourselves, and perhaps  
we could just request a 15 minute stand down just to try and  
track the whereabouts. All that we could say that we've been  
informed that they were having an important meeting at  
20 ARMSCOR and they might be coming down this way. We are in  
your hands Chairperson, Commissioner Musi.

CHAIRPERSON: Advocate Lebala, (indistinct). If at all we  
had a request from them saying that they would be 30 minutes  
late or 20 minutes late surely one would have been inclined to  
25 assist the chair so that we delay another 15 to 20 minutes, but

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it appears to me that we had no such a request, we don't know whether they intend coming today or not and they knew that we were supposed to start today at 10h00. (Indistinct) that we proceed with this witness and when they come and there is  
5 information that they require I'm sure they can obtain it from the record because I'm reluctant to say let's wait for the (indistinct) they are not coming (indistinct) we sit here.

ADV LEBALA: Chair, through your guidance I've emphasised the importance of this process being respected and  
10 not being undermined including a lack of respect of time, I assume that Solomon SC wouldn't just disrespect this process. If you permit me through your indulgence Chair, Commissioner Musi, permit me in the next coming 10 minutes to enquire where is he, I have his personal call, and may the record  
15 reflect that unfortunately he hasn't even called me to let me know why they are being delayed and I'm assuming that it could be something weighty and serious, and I'll just request for an indulgence of 15 minutes, which I'm certain that you could give to assist the Commission to establish their whereabouts.

20 CHAIRPERSON: Okay, let's adjourn then for 15 minutes and I think we will have to resume after 15 minutes.

ADV LEBALA: Thank you Chair, Commissioner Musi.

CHAIRPERSON: We'll then adjourn.

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**(COMMISSION ADJOURNS)**