

ARMS PROCUREMENT COMMISSION

Transparency, Accountability and the Rule of Law

PUBLIC HEARINGS

PHASE 2

DATE : 4 MARCH 2015

(PAGE 8996 - 9002)

4 MARCH 2015

PHASE 2

HEARING ON 4 MARCH 2015

CHAIRPERSON: Thank you. Good morning, everybody. [Indistinct]
Advocate Sibeko.

ADV SIBEKO: Thank you, Chair and Commissioner Musi. At the
5 onset, Chair, I would like to apologise for the late start, in our attempt to
lead the evidence of Dr Richard Michael Morgan Young. Before the, the
witness can be sworn in, I need to make a few observations and deal
with a few housekeeping matters.

At the outset, I have been advised that statement, the signed
10 statement of Dr Young has been printed. I am not aware, if the
statement has been given to the legal representatives of some of the
departments, who are represented here, today.

With regard to that statement, I wish to place on record that, I wish to
place on record that you would have seen, Chair and Commissioner
15 Musi, perhaps, during the course of going through the statement that
there are certain references that are made, in some cases, at the end of
certain paragraphs. Those references do not help.

Why they are, I had to choose, to what would eventually form a
bundle of the documents that would be relied upon, during the course of
20 the testimony of the witness. In this statement, they appear as hyper
links.

As you would have noticed, the witness will be testifying, through the
use of his laptop pc. Now, we have, or at least, part of the delay was
occasioned, by the fact that the bundles of document that have been
25 placed before him do not constitute the entire documentation that is

4 MARCH 2015

PHASE 2

referenced in this segment.

You would recall, Chair and Commissioner Musi that, during the course of last year, there is a discovering affidavit, with a discovery schedule that was submitted by Dr Young to the Commission, which
5 schedule is made up of 1061 documents. Now, those documents, that which he seeks to rely upon, have not been printed, now, from, from the schedule.

Now, those documents Dr Young intends to use, in the course of his testimony, what, amongst others, occasioned the delay was an exercise
10 we undertook, to try and show that the documents, in those bundles, constitute what appears in the hyperlinks that are referenced here. They started, but not all of those documents are contained in the bundle.

We are in the process of creating a folder, for purposes of making the
15 exercise of compiling the bundle a lot quicker, which is something we, depending on the directions of the Chair, is an exercise we undertake, to continue with, during the course of this afternoon, should we be afforded an opportunity to adjourn earlier than the normal time. So that, by the time we resume tomorrow, we are able to flow through properly.

20 The annexures that are contained in the bundles that have been placed before you are not sequential to the references made here, as well. So, in the manner that they have been produced, they are currently unhelpful, in going through the statement.

Now, having said that, I need to point out that, should the statement
25 as currently prepared, be given to the legal representatives, who have

4 MARCH 2015

PHASE 2

an interest in the evidence of Dr Young, we are also in the process of referencing the hyperlinks, to the bundle of documents, in a manner that would be user friendly. So that, if for example, you will see, at page 1 of the statement, there is a reference CV for APC RMY, in brackets.

5 We have, we are in the process of converting that into RMI one, for purposes of identification in the bundles that we would be in the process of creating, during the course of later today. So that it would be easy to refer to them and that they are easy to find in the reconstituted bundles that we will be dealing with.

10 So, having made those observations and, and what we intend to do, during the adjournment and should we be afforded the opportunity to do so, we would, in the interim, ask Chair to have Dr Young sworn in.

CHAIRPERSON: I think, you mentioned something like the, some of the interested parties being, should be given statements prepared by Dr
15 Young. What is the position about that? I am saying so, because now give, we saw the statement for the first time, only this morning.

We have realised that it was signed yesterday, although I received mine yesterday evening. So, clearly, that statement, or a summary thereof, it is not on our website. I am just really worried about the
20 people, who might have an interest in Dr Young's statement, or evidence. What are we going to do, in ultimately make sure that they have copies of the statement?

ADV SIBEKO: Chair, I was informed that the, the statement that you are referring to would be given to the leader representatives of persons,
25 who are interested. I am not sure if that has been done. But, to the

4 MARCH 2015

PHASE 2

extent that it has not been done, yet, we would request that they be furnished with copies.

I am aware that there are copies that have been made, to be provided to interested persons. However, during the course of the lunch
5 adjournment, we would prepare a summary that would be put on the website.

I, I need to point out that, when we consulted with Dr Young, on Friday, the, we had prepared a brief summary that we have intended to forward to the Commission, for purposes of posting on the website. It
10 was sheer inadvertence, on our part that the statement, the brief summary was not forwarded to the Commission. But, we would attend to that, during the adjournment.

CHAIRPERSON: Thank you. Can the witness take the, the oath?

RICHARD MICHAEL MORGAN YOUNG: (d.s.s.)

15 ADV SIBEKO: Dr Young, during the course of these proceedings, we will be giving, or conducting a conversation, through these mikes. So, when I may ask you the question, I would switch my mike off and you would then switch on and when you have furnished your response, you will follow the same pattern. Do you understand that?

20 DR YOUNG: I do, yes. I do.

ADV SIBEKO: So, when, when you speak ...[intervene]

DR YOUNG: I am getting confused with all these red lights. Alright.

ADV SIBEKO: Alright. Could you, for the record, state your profession?

25 DR YOUNG: I am an electronics engineer by trade. I am an

4 MARCH 2015

PHASE 2

electronics engineer by trade.

ADV SIBEKO: What are your qualifications?

DR YOUNG: I have got a Bachelor of Science in Engineering and I have got a Master of Science in Engineering and a Doctor Philosophy in
5 Engineering.

ADV SIBEKO: Now, is it correct, as you would have heard, during the course of my address to the Chairman of the Commission that we were under the action of a statement that you have prepared? Is it correct that you did prepare statement?

10 DR YOUNG: Yes. I did prepare a statement. It is actually, it is not correct that it was signed yesterday. We met last Thursday and Friday and I completed it on Monday. I forwarded it to my evidence leaders and the Commission on Monday night and it was signed, before I sent it.

ADV SIBEKO: Now, if I could ask you to turn to page 198 ...[intervene]

15 CHAIRPERSON: Or just, just hold on a moment please. Thank you. Maybe, just to collect myself then, I see the date is the 2nd of March 2015. That is the date, on which the statement was signed. But, then, we got it only yesterday. I got it yesterday evening. Thank you.

ADV SIBEKO: Thank you, Chair. Do you have page 198 of your
20 statement?

DR YOUNG: Yes. That is the last substantive page. It is the signature page.

ADV SIBEKO: The signature that appears there, whose is it?

DR YOUNG: It is my signature.

25 ADV SIBEKO: And as the Chairperson has pointed out, the statement

4 MARCH 2015

PHASE 2

is dated the 2nd of March 2015. Is that correct?

DR YOUNG: Yes. That is correct and it was also sent to the Commission on the same day, by, by me, that is, at least.

ADV SIBEKO: Okay. You sent it electronically?

5 DR YOUNG: I sent it electronically, yes.

ADV SIBEKO: Chair, before we proceed, I, I just need to establish whether my learned colleagues on the opposite end, have got a copy of this statement?

ADV KUPER: Chair, before, our position is, apparently one copy has
10 been handed to this team. But, it is hardly possible for us to follow the evidence with only one copy. We really would appeal for, for copies to be given to, to us, adequately, for the purpose.

CHAIRPERSON: So then, Advocate Kuper, what are you suggesting
15 now? Because as we are saying, we only got the statement yesterday and I got it yesterday evening. I learnt this morning, the staff has battled to make copies ...[intervene]

ADV KUPER: Yes. Should I ...[intervene]

CHAIRPERSON: Now, the question is, can we proceed now, or do you want further copies to be made, before we can proceed?

20 ADV KUPER: Chair, I would request that further copies be made available, before we proceed.

CHAIRPERSON: Any, any of the other [indistinct] wants to say something about this issue?

MR CHOWE: Thank you, Chairperson. Our respectful [indistinct] we
25 agree with Advocate, or rather, maybe we should rather get enough

copies, before we proceed. We also share one copy. But, if it is possible if we can get the copies first, because I was assured that the copies will be made. Maybe, it would be better that we get all, we have copies and then we can proceed. Thanks, Chairperson.

5 CHAIRPERSON: Any other view? I think, in the light of what Advocate Kuper was saying, maybe it might just be prudent to adjourn and start tomorrow morning. So, firstly, because copies must have been made and then, secondly, there are a few, further documents and that is 1056 documents that must still be copied, which will form part of the
10 annexures.

If that is the position, I am going to suggest that we adjourn now and we start tomorrow morning at nine o'clock. I think that will give you enough opportunity to, for the Commission to give statements and annexures to those parties, who might be interested.

15 Any other controlling view to this suggestion? I suppose my, my fellow Commissioner here, says that is [indistinct] is concerned. In that case it is probably, do want to say something Advocate Sibeko?

ADV SIBEKO: I add nothing further to that, Chair.

CHAIRPERSON: Thank you. Dr Young, unfortunately, we will have to
20 adjourn these proceedings until tomorrow morning. Can I suggest that, in that case, tomorrow we start at nine o'clock?

ADV SIBEKO: Thank you, Chair.

CHAIRPERSON: Thank you. We will adjourn until tomorrow morning. We will start in the, at about nine o'clock in the morning. Thank you.