

**ARMS PROCUREMENT COMMISSION**

*Transparency, Accountability and the Rule of Law*

**PUBLIC HEARINGS**

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**HEARING ON 24 MARCH 2015****RICHARD MICHAEL MOBERLY YOUNG:** (s.u.o.)

ADV KUPER: Thank you, Chairman. Dr Young, yesterday, at the time of the adjournment, we were dealing with the organogram, at page 10 of  
5 volume 1 and I would like you to have it before you please.

DR YOUNG: I have it.

ADV KUPER: You will recollect that I was asking you, why was it necessary to set out a linkage between those person, who happen to be Muslim. You were explaining to the Commission, I think, that that had  
10 been the instruction or request you had received, from the special investigating unit. Is that right?

DR YOUNG: No, not at all. If you are referring to that was a request of the unit, to add in the Muslim aspect, that is completely wrong.

ADV KUPER: So, the Commission can be satisfied that you are the  
15 creator of that link. You thought it was important. You created it.

DR YOUNG: It is also not correct. You obviously did not listen to me properly yesterday. I said, I did not draw up these things completely on my own. I might have held the pencil, but I had other people assisting me and, or in fact, let us say, I did not know that much about this, when  
20 this all happened in late 2000. I think, it was late 2000, ja. It was them, who advised me about the various communication links and they indicated that it was relevant, to include that, as a link.

ADV KUPER: Who is the them and who is the they?

DR YOUNG: Sorry, who is the them and who is the they?

25 ADV KUPER: Do you remember the answer you have just given?

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DR YOUNG: Yes. I just, I did not quite hear there. I thought is, who is the them and who is the they. Is that the question?

ADV KUPER: Please answer it.

DR YOUNG: No. I am not going to answer it, until you repeat it,  
5 because I did not hear properly.

ADV KUPER: I think, you are beginning to spar with me. I think, you are beginning to try to avoid answering questions. The question to you is who is the them and who is the they, whom you included in your last answer.

10 DR YOUNG: Okay. I am not sparring with you. I have a right to clarify a question. It was not quite, to me, them and they is pretty much the same thing. So, I was not quite sure what you said. I am not sparring with you and I have a right to, to answer correctly. So, please do not try to, to raise the temperature of the matter, this early in the day.  
15 Anyway, if I understand you, so, correctly, you, I think, you are asking me about the them and they of who advised me, with regard to drawing up this organogram. The answer is, I will not tell you, because it is confidential.

ADV KUPER: How can it possibly be confidential, Dr Young?

20 DR YOUNG: Because this is a sub-whistle blower, who does not want his identity made public.

ADV KUPER: Yesterday, I had suggested, yesterday, I [indistinct].

CHAIRPERSON: I am sorry, Dr Young. I see that you are not prepared to disclose the people, who you worked with, in order to  
25 prepare this organogram. If I recall, you said something like, the group,

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which you [indistinct] the Muslim group, you did that on the advise of other people. If I am not wrong, you say that you know, you group them as Muslims, because they are not Africans. Would that be the correct understanding of what you said?

5 DR YOUNG: I do not, I do not think so. What I said is in this era, one or more people assisted me in putting together the organogram, with the linkages between hierarchies of people and groups of people. When they mentioned to me that this was a communication link that was relevant, I, I asked the question, so why is this relevant. One of the  
10 answers that came back that, not directly from this group of people, related to the De Lille dossier was that there were a number of black people, who had taken exception to the fact that they were not, were being left out of the spoils of the Arms deal and it was going to, in fact, I remember now, it was more Indian people than Muslim people. But,  
15 certainly, may of those Indian people were, were included as Muslim people. That is the only reason why, I responded there and it is the reason why it was included in this, in this organogram.

CHAIRPERSON: Then the next question is, why did you group these people that you have mentioned in this organogram, as Muslims. How  
20 do you know that they are all Muslims?

DR YOUNG: Well, I do not know whether I have actually grouped them, I have only, only just put communication lines between them. In fact, they are not, they are not really grouped, according to my diagram. They are just, they are in different levels or different hierarchies of the  
25 whole thing. So, they are not grouped. There are just lines, indicating

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communication channels, or, or lines, you know, lines of, of communication. My understanding is, from people at the time, that those are Muslim people. I do not, I have never really, I have never been confronted with that before. So, I have never, you know, analysed  
5 it, other than, you know, drawing it up, at that time, which I think, is 15 years ago.

CHAIRPERSON: Maybe a follow up. On the right hand side of that page, there is a green line, which says Muslims links. Why is that so? How did those people, who you spoke to, whose identity you, you are  
10 not willing to disclose to us, how did they come to the conclusion that these people, they must be Muslims?

DR YOUNG: Because I was told that, by the people, who assisted me, drawing up the organogram and it made sense to me. Nothing, nothing, you know, the names, I know, I know some of the people. In  
15 fact, I have, you know, some, some of the people are, are the Shaik's and I mean, just in terms of intuitive logic, you know, an important link for me, at this time, at least, was a very close friend of Chippy Shaik and the Shaik's are Muslim. I know that. I have been involved in litigation against them and I am pretty sure that came out of that. But, one of  
20 their friends is Yusuf Mohamed. I do not think that he is not a Muslim. He might not be a practicing Muslim, but he certainly seems, at least, on the face of it, to have that background.

CHAIRPERSON: Why identify them as Muslims then? Why identify all these people as Muslims? Just so that I am trying to understand, why  
25 did you people come to that conclusion that this group of people must

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be Muslims and what was the importance of having to classify them as Muslims?

DR YOUNG: Nothing particularly turned on it. We were only looking to put together linkages. Some of the linkages are communication  
5 channels, between people. It was indicated to me, that this was true and relevant. I drew it down. I have never, other than believing it to be, at least intuitively true, I have never really analysed it, in the last 15 years, of you know, whether, whether or not each and every one of these people, was indeed Muslim, or even, what exactly their roles  
10 were. In fact, I am not even indicating at all, other than a line, that anybody played a role in the Arms deal, or even an untoward role. It was just a communication channel, nothing more.

CHAIRPERSON: Then, the last one from me. The same people that you were talking to, who helped you to draw this organogram, is it the  
15 same group of people, who spoke to Ms De Lille?

DR YOUNG: I know they were involved in the issue, at that time. But, I, I do not know precisely, who was involved in talking to Ms De Lille. I do not, I do not know that. I can, I can speculate. But, I do not know who exactly her whistle blowers were, or who the group of concerned  
20 ANC people were, who advised her. I do not know that.

CHAIRPERSON: Thank you.

ADV KUPER: Dr Young, just to revert to an earlier answer. When I put the questions who were the them and the they, you started off by saying you were unclear about the question. You had a right to know  
25 the question that was being asked. When it was repeated to you, you

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then came up with the answer that you were not prepared to say. The rationale you give for that reason is because what? The person, who told you to include the Muslim link, also had the foresight, to say and never reveal my identity.

5 DR YOUNG: No. You are wrong. A couple of, okay, you asked who is the them and the they and identify who the them and the they are, not by Christian name and surname, but as the people, who helped me, or actually it was more me helping them, rather than the other way around. Okay. The only thing I did not reveal was their actual name. I am  
10 consistent is that I will not reveal anybody, who has not, [indistinct] right from the beginning of my evidence that issue has come up and I have been completely consistent on that. A couple of them have expressly, and certainly in the more recent days, I am talking about the last year or two, have expressly said, you may not reveal my name or my source's  
15 name, whatever. But, my general principal is unless people say, you may use me, as a sub whistle blower or refer to me, in evidence, then my policy is consistent and that I do, simply do not reveal who they are.

ADV KUPER: So, you are not suggesting the them or the they, asked you not to reveal their names?

20 DR YOUNG: In this particular instance, there certainly, ja, there certainly was an indication that it would not be appropriate, to bring them into the mix, at that time. This was, this was pre-JIT investigation and it certainly was, whether it was expressly said, in so many words, but certainly, the body language and everything else was that, we are  
25 giving this to you, to take forward. You are directly involved. You have

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to be involved anyway, with your head above the parapet. We will help, we will help you with the information, but that is as far as it goes.

ADV KUPER: So now, the quality of your evidence includes the supposed body language, which you observed.

5 DR YOUNG: Whether that is body language or reading between the lines or subliminal communication or things, that I cannot quite remember from 16 years ago, there, you know, it was just two or sometimes three of us, sitting. It was not recorded. There were not minutes. There were not cameras. I do not know 100 per cent exactly.

10 But, certainly, the message, the clear message that I got, at the time, was we do not want to be involved, certainly not at that stage.

ADV KUPER: You heard me suggest to you yesterday, warn you yesterday, that we may well submit to the Commission, in due course, that your refusal to identify, what you call sub whistle blowers, puts in  
15 doubt the veracity of your evidence. I repeat that to you again, this morning. Do you have any comment you wish to make?

DR YOUNG: Yes. Absolutely. You are only here, attacking my evidence, regarding things that I never gave evidence on. So, maybe you have a right to do that and I, of course, I have a right to respond  
20 appropriately and accordingly, which I am trying to do. But, what, you cannot paint my eight days' worth of evidence and 200 pages of evidence with 194 produced documents and 1061 and more discovered and produced documents with one, sweep of the brush. The, I would say, you are asking me for a response is that the vast majority of my, of  
25 my evidence stands on the sturdy legs of other people's documents.

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Whatever you may or may not be able to achieve, what you are trying to do now, that will not taint the veracity of the rest of my evidence.

ADV KUPER: Thank you for that. Can we go back to the organogram? I just want to follow it, in order to understand its relevance  
5 further. The organogram shows the entire Shaik family, or members of the Shaik family, as, as ensconced in a green ring. I take it that is to show that they are all Muslim.

DR YOUNG: I, I, look, I can see this is going back to 2004. I cannot say that a green shaded ring is, is that. It is the lines that indicate the  
10 Muslim communication link, the Muslim links.

ADV KUPER: And if we follow those lines, we see, for example that there is a green line, linking the family with the Minister of the Presidency, Essop Pahad.

DR YOUNG: That is correct, yes.

15 ADV KUPER: So, he is introduced, into this organogram, as being a Muslim?

DR YOUNG: Certainly. That was the information that was given to me, at the time. It, it may be wrong. It was just what I knew. I see, this particular revision, I think, it is revision nine, is going back 11 years. It  
20 was just a revision of something that was done, five years before that.

ADV KUPER: And if we follow this organogram, we see that from the line, linking Essop Pahad, with the Shaik family, through the Muslim connection, that extends then to one Yusuf Surtee, who is shown as also being a Muslim. Is that right?

25 DR YOUNG: That is correct, according to the diagram here.

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ADV KUPER: And what we then see is that Yusuf Surtee is connected to the Deputy Minister, the then Deputy Minister of Foreign Affairs Aziz Pahad, on the basis that they are Muslim.

DR YOUNG: Well, probably. But, I would not necessary put it quite,  
5 but as far as I know that they are brothers.

ADV KUPER: And indeed, we see that a line is then drawn from Aziz Pahad to Essop Pahad, in order to demonstrate that they are brothers.

DR YOUNG: Yes. But, I would, what I was trying to indicate before is  
10 being Muslim is also probable.

ADV KUPER: I am just dealing with what you were thinking, what you thought, or was told, was relevant to this organogram, which was to indicate, amongst other things, who were Muslim. If we follow the Muslim linkage line, from Essop Pahad, we see it connect to someone,  
15 called Imitaz Fazal. Do you see that?

DR YOUNG: Yes. I see that.

ADV KUPER: And the link of Muslim involvement or connection goes from Imitaz Fazal, back to Schabir Shaik.

DR YOUNG: Okay. That is correct, according to the diagram.

20 ADV KUPER: And the interconnection of Muslim related people goes from Imitaz Fazal to Yusuf Mohammed. Is that right?

DR YOUNG: That is correct. According to the diagram, I am not saying it is correct according to the diagram.

ADV KUPER: If we look at the lower segment of the diagram, we see  
25 that there is said to be a Muslim connection between the Shaik family

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and the directors of Thales and the directors of Nkobi. Is that right?

DR YOUNG: No. Even on, not directly, because you will see that green line, going from the Shaik family line to the Nkobi holdings is actually a different colour green.

5 ADV KUPER: That is not evident to me, but let is leave it aside.

DR YOUNG: Well my, my eye sight is very poor and I am using your copy and not mine. But, if you have a look, what you should be able to see is the name Schabir Shaik, written in the family ellipse, is a different colour to the shading of the ellipse. The line between that and Nkobi  
10 holdings is a, a different colour green. In fact, as is, the line from the ellipse to Essop Pahad is a different colour green. So, it is not meant to, this was, this was just a, this was just a diagram. The, the [indistinct] has the correct colour links.

ADV KUPER: Now, would you explain to the Commission, what  
15 relevance, either Essop Pahad or Azziz Pahad has, in connection with the Armsdeal?

DR YOUNG: I do not know, certainly, at this stage, of any direct involvement or relevance.

ADV KUPER: And yet, through their Muslim linkage, they were being  
20 put on an organogram, to show the special investigating unit, on the question of corruption in the Armsdeal.

DR YOUNG: No. It is not what I testified. I said, I had drawn up these organograms, quite a time before that. When I was in, visited, at their request, not just by the special investigating unit, I think there were  
25 nine people there, including Gerda Ferreira from the Scorpions. There

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were at least two people Hermie Mostert and Etienne Smith, from the office of the Auditor General. There was, I think, nine people. It was a long meeting. It was probably, at least, half a day, maybe even more like a day. At the very end, we started looking at linkages. Or they

5 asked me, about communication channels. I said, oh, by the way, I do actually have something drawn. Are you interested in that? They said, yes, of course. So, I brought out one copy and I showed them. They were all so extremely interested in this, for the simple reason that it showed lines of communication. It did not show, it was not meant to

10 indicate corruption. It still does not indicate corruption. There might be people involved in corruption. Well, in fact, according to my own previous testimony, there are some people there. But, that does not necessarily mean, that every single person here is involved in corruption. Or every single link is even relevant to, for what I know

15 today. It was just what we knew then, in 2000. So, in any case, the, the SIU, or let us put it, they call it the Joint Investigating Team, as it then was, prior to its formal, formalisation as the JIT, without the SIU, only asked me for a copy. I made them each individual colour copies, which I numbered with my own hand and I said do not make copies. This is,

20 this is confidential information, as it stands.

ADV KUPER: I take it, you did not realise, in the course of that lengthy answer that you were naming two persons, who consisted of members of them and they.

DR YOUNG: Please be explicit. I am not quite sure what you mean.

25 ADV KUPER: Your last answer, you were dealing with the people,

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who had come and made requests to you, to include this and to include that. You were quick to say and identify two of them, who came from the office of the Auditor General.

DR YOUNG: Yes. They are not whistle blowers. They are members  
5 of the Joint Investigating Team. In fact, both of them were the, the regular auditors of Armscor, from the office of the Auditor General. They have never asked me, in fact, I have hardly ever had anything to do with them at all. I just know who they are, from, I think it is Hermie Mostert in one meeting and Etienne Smith in another meeting. They  
10 have never asked me, to, not to refer to them, by name. So, I am not sure at all, what the relevance of your continued use of this them and they and, you know, trying, trying to catch me out on the wrong foot.

ADV KUPER: Dr Young, please just answer the questions. The point I was just making then, was there must have been some reason, why you  
15 could name them. Perhaps their body language was different from the others?

DR YOUNG: No. I have just given you a very cogent, factual answer. Now, you are asking me as though I am, I have either avoided the question. I have said, they are not whistle blowers. They are  
20 investigators.

ADV KUPER: I want to go now to the political struggle links. Was that your own contribution? Or did some anonymous, anonymous person ask you, to include it?

DR YOUNG: Well, this was, this was a joint exercise. Although, I  
25 would say, the majority of the information certainly, in, what I would call,

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issue zero one of this thing, the majority would have not come from me. This thing was completely, to be seeing it, a revision nine and things did get, get added on and that. But, I, I think it is fairly clear, if one has a slightest idea of South African geo-politics that there are politics and  
5 there was a struggle. So, I am not saying these are struggle, political, political struggle, I am saying political, or struggle. There is a slash in between that, a forward slash.

ADV KUPER: But, now, explain to us. What is the reason that you wish to identify various persons, shown on the organogram, as linked,  
10 by reason of a political or struggle history?

DR YOUNG: If one, if I have hindsight of my last nine days of evidence, then it was not my intention and you use, you use the present tense, to address this thing at all. This is all in the past tense, of going back 10 years and more. That was our idea of what was useful or  
15 relevant or related then. It certainly is not something that I would have wished to use, in my evidence before this Commission in the last eight to nine days.

ADV KUPER: Are you not going to answer my question?

DR YOUNG: I think I did.

20 ADV KUPER: My question was the reason why people were being shown here as linked, politically, or by struggle history. Your answer to me was that you, yourself have not used the organogram in evidence, nor in the last eight or nine days. Why is that an answer to the question I put?

25 DR YOUNG: Because you did, you only repeated half of my answer.

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I very clearly stated, I think, it was at the beginning is those were, it was included, at that stage, prior to me, giving evidence in the last three weeks. It was included, in the phase of 2000 to 2005, because the people, who were interested and whether we were doing private  
5 investigations or not, considered those as to be interesting or related, or relevant links. That was my answer. It is my answer now. I cannot understand, why you are saying, I never gave you a correct answer to your question.

ADV KUPER: Now, I am going to put it to you again. The reason why  
10 the Muslim links are shown and why the political struggle links are shown is because in this conspiracy theory, you are punting. It is more probable, apparently, that people, who have a shared Muslim background will be corrupt and also apparent that people, who have a shared struggle background will be corrupt. Is that so?

DR YOUNG: That is unadulterated nonsense. I, I actually, you asked  
15 me the question yesterday and I said, I explained myself yesterday. So, I do not know why I am being asked to, to give this, an answer to the same question twice. I said it had nothing to do with any inference, whatsoever, of a propensity to corruption. It is merely a communication  
20 link.

ADV KUPER: And you have told the Commission this morning, more  
than once, that really, this should be excused, upon the basis that it was a very early exercise and was not something that reflects your present thinking. Is that right?

DR YOUNG: No. Again, you know, that is such a simplistic statement

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to make. Or you know, a question in the form of a statement. Certain aspects, which I have just ventilated, may no longer be relevant or even related. Like for example, the Aziz Pahad one. But, I would say, just, doing some on the fly mental arithmetic that at least 50 per cent and  
5 probably more like 60 or 70 per cent of these names and these linkages are just as relevant today, in terms of my theory, you call it, conspiracy theory, as they were then. But, I am not saying the entire diagram, what I am saying is that not the entire diagram needs to be considered, as relevant, in its entirety, in the year 2015.

10 ADV KUPER: Dr Young, for the last time I will ask you this question. In terms of your theory, what I would call your conspiracy theory, why is it relevant to show linkages between Muslims and struggle persons?

DR YOUNG: Because of those backgrounds, they have lines of communication.

15 ADV KUPER: Have you updated this organogram at all, since it was drawn?

DR YOUNG: Yes. I think, I have said that about five times. I have said that this is revision nine. So, just on the face of things, it would seem, in the normal English use of the word revision, that it has been  
20 revised nine times. It might be 10, from the original, which was zero. But, certainly it had, it was revised, from the original one, in 2000, drawn on paper, with pencil, to converting it to a computer format, converting it to a program, called Visio and there have been updates as well and maybe even corrections, of the, of names and, and data. So, certainly,  
25 there were updates.

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ADV KUPER: So, the organogram that is now before the Commission, at page 10 is the latest, most recent version of the organogram. Is that right?

DR YOUNG: I do not know. You should tell me, because it is your  
5 document. You introduced evidence and not me.

ADV KUPER: Is this not your document?

DR YOUNG: Yes. It is. It is something that I have not looked at for, maybe not 10 years, maybe it is seven years or six years. I do not know. But, if you, if you lifted off my website, where it is and in fact, you  
10 say, it says not only that, but it is also a discovered document, as far as I can remember. I am not 100 per cent sure now. But, you know, you should know, you should know if it is the, if it was taken off the website, whether it is the latest one. As far as I know, if it is on our website, then it is the latest one.

15 ADV KUPER: And I want to remind you, if I may, about you said about the [indistinct] in your statement. I am quoting from paragraph 539 and you had berated President Mbeki, for attributing this organogram to Judge Heath, because you were claiming the authorship. You went on to say:

20 *"In my view my organograms, even in those early days of mid-2000 accurately depicted the SDP's dealings and with some updates in the interim, are as accurate and useful today as they were then."*

Please tell the Commission, why is this organogram useful to it?

DR YOUNG: Because you introduced it into the evidence.

25 CHAIRPERSON: Just hold on. Dr Young, can you listen to the

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question carefully and answer the question, please. Just listen to the question and give us an answer to, to that question.

DR YOUNG: I will [indistinct] response in a different way. I never introduced into evidence. Advocate Kuper's team did so. So, the  
5 relevance of this document, in the proceedings today, is due to the fact that it was introduced by, by him, not by me. I am just responding on questions.

ADV KUPER: Okay. Dr Young, do you not understand that I am quoting parts of your statement that you made to this Commission, parts  
10 of this statement, which you spent eight or nine days, in elaborating upon. In that statement, you said that these organograms, with some updates in the interim are as accurate and useful today, as they were then. So, I ask you the question, why is this organogram useful to this Commission? And I just give you another opportunity to try and answer  
15 that question.

DR YOUNG: Okay. It is as I have said, whether or not the whole organogram is 100 per cent accurate, in term of every name, every block, every hierarchy, every linkage, it is useful, because at least, 50 per cent or more of it, has the linkages, specifically with, specifically with  
20 the Shaik's, Chippy Shaik and Schabir Shaik, in particular and the companies, Nkobi holdings and Thomson CSF. You know, that, those are completely relevant to my document, I mean, to my evidence. So therefore, they are useful. That does not mean to say that because some are useful and relevant, that means to say that the whole, the  
25 whole thing is useful and relevant. It does not mean to say it is

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inaccurate.

ADV KUPER: Do you have access to your bundle of documents, because what I want you to confirm, is that page, to which I have referred you. It is taken from RMY 115 and it is your reference,  
5 organograms/02/pdf.

CHAIRPERSON: Advocate Kuper, can you just give us some few moments, to get hold of our documents, Sir? Thank you. We do have the document.

ADV KUPER: Thank you. Dr Young, do you see RMY 115?

10 DR YOUNG: Yes. I have got a digital copy in front of me, on my computer, which I can see better and read better.

ADV KUPER: Is it page 10, of bundle one of the cross-examination?

DR YOUNG: I think, according to my evidence leader, that is correct.

ADV KUPER: Now, Dr Young, yesterday, I had been searching for the  
15 real Dr Young and suggesting that the real Dr Young had been guilty of malicious and vituperative statements, which were really recklessly made. I am pursuing that theme. Because I now want to deal with what the real Dr Young, has been saying about this Commission. Would you be so good, as to turn, in the cross-examination file, to page 7? Do you  
20 not have that file?

DR YOUNG: No. I do not. I am sorry, I do have page 7.

ADV KUPER: I want you to take a minute and read through, to yourself, page 7 and page 8 and page 9. After you have done that, I am going to ask you, whether you accept that you are the author of these  
25 comments.

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DR YOUNG: Okay. I have had a scan through those three pages.

ADV KUPER: And will you answer my question?

DR YOUNG: If you repeat it, yes.

ADV KUPER: Are you the author of those comments?

5 DR YOUNG: Yes.

ADV KUPER: Now, Dr Young, I am sure the Commission will take these comments from whence they come. But, I want to demonstrate a pattern, because I want to suggest in due course, to the Commission that the pattern emerges very clearly here. That is, when you disagree  
10 with something, a ruling or a statement, or whatever it may be, when you disagree with something, it is simply a part of you that then responds, very viciously and without any sense of proportion. Would you accept that?

DR YOUNG: I would accept that, except without any sense of  
15 proportion. In my view, my response is directly proportionate to what precipitated my response.

ADV KUPER: And the very vicious?

DR YOUNG: Likewise.

ADV KUPER: So, you justify these comments, by your judgement, as  
20 being proper and proportionate?

DR YOUNG: Well, certainly proportionate. Proper is my right to respond and, you know, of course, proper in this context, I would say is a value judgement. So, certainly, in the time that it was done, compared to other times, it might seem improper or, or, certainly, at the time, it  
25 seemed a reasonable response, to a, to a situation, with which I was

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confronted.

ADV KUPER: Yes. And these are responses, given last month.

DR YOUNG: I will just have to check that.

ADV KUPER: No. I am sorry, I am told February last year.

5 DR YOUNG: Exactly, I though you were wrong there. So, certainly, at the time, they were, with what was going on, with my involvement with the Commission, at that time, they were certainly, more relevant then, than they might be now, in March 2015.

ADV KUPER: Well, let me now pursue the pattern that I was  
10 suggesting, the pattern ...[intervene]

CHAIRPERSON: I am sorry, Advocate Kuper. Let me just try and get some clarification from Mr, from Mr Young. Mr Young, can you go to page 9 of that document?

DR YOUNG: Yes. I have it.

15 CHAIRPERSON: For the purpose of our records, can you just read that paragraph 8 into the record?

DR YOUNG: Yes.

“On his website, Armsdeal-VPO.co.za, commenting on an article in the Sunday Times, of the 27<sup>th</sup> of July 2014, entitled De Lille Armsdeal  
20 claims, need probing, Young writes,”

And then my own quotation mark:

*“I think it is a reasonable conclusion that the APC is klaar, at least for me. How can I work with it, ever again, when its members bullshit so much? How can I accept a new evidence leader, who is going to be  
25 adversarial?”*

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CHAIRPERSON: What do you mean by bullshit in that sentence?

DR YOUNG: I am glad you asked me that, because there is a couple of reasons is that in various occasions, when I have unilaterally been summoned to, to the Commission, like for example, I think the 21<sup>st</sup> of 5 July, last year is one of them. But, I think there are other ones as well. The Commission has recorded, in its transcripts that it has bent over backwards for me. It, I am just using as an example, from memory. Okay. That is not true. Even my then evidence leader, Advocate Skinner SC responded exactly, without any invitation from me. It is not 10 true that the Commission has bent over backwards for me. It is I, have bent over backwards for the Commission. Okay. So, putting that on the record, whether it was the Chairman, the Chairperson himself, or it was Advocate Mdumbe, who read out a letter to the, to the Commission, I think, on the 21<sup>st</sup> of July, was not the truth. That is why I used the term 15 bullshitting, because that is what it is.

CHAIRPERSON: So, in other words, you say the Commission is bullshitting.

DR YOUNG: Not in general. I said, in those particular circumstances. It is on the record. It was not true. I am saying, I am not saying it is not, 20 or other things are not true today. I am saying that particular instance, to which I am referring, it was not true.

CHAIRPERSON: So, you thought the appropriate word to use there, was bullshit.

DR YOUNG: Yes. On my website.

25 CHAIRPERSON: Thank you.

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DR YOUNG: And I make the, I need to say that I received a letter from the Commission, not long afterwards. In fact, it was sent to my, my legal team, where, I think the letter is written by Advocate Mdumbe, on behalf of the Commission, where he refers to statements made, a post  
5 on my website, in disparaging terms. My lawyer's letter, at that stage said, okay, your statements are bald, please elaborate and okay, we are still waiting, a year later, for any response. So, clearly, it was not taken that seriously.

ADV KUPER: Would you turn to page 7? You will see, at page 7, that  
10 you were in disagreement with a ruling, which apparently had been made, by the Chair, regarding the question of the production of documents. Your grievance was an allegation that the Chairman had not listened to you, but had listened to senior council's lies, that is senior council, representing Armscor and issued an order, with which, it was  
15 impossible to comply. I am reminding you, apparently, of a ruling, which incensed you. Is that right, it incensed you?

DR YOUNG: Yes. It did incense me, because it was impossible to comply with.

ADV KUPER: Now, I would like you to read into the record, the answer  
20 that you, the comment that you then made, in connection with this, which you will find immediately above paragraph 2 and it starts:

"This Commission is a farce."

Would you just read that into the record please?

DR YOUNG:

25 *"This is a Commission is a farce, but not a funny haha one. It is a*

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*farce of the most odoriferous and pungent kind. Something that reminds me of something that came out of the anuses of my neighbour's pigs, when they invaded my farm last year."*

ADV KUPER: I want to suggest to you, that it is in your character and  
5 personality that when you disagree with something, your response is a vicious and malicious and abusive one.

DR YOUNG: No. That is not correct. My response is of that type, when it is precipitated, by lies.

ADV KUPER: So, to the long list of persons, who have either lied or  
10 being dishonest or treated you badly, or caused you injury, we must now add this Commission. Is that right?

DR YOUNG: Certainly, that is my view, in the painful road that I have had to travel, from three odd years ago, to get to the point, where we are now. Why it has taken so much pain, the resignation of my  
15 evidence leaders, in July, August last year that caused me a huge setback. The fact that, from two years ago and I have stated this, on the record, in terms of the formal submission, my evidence leaders then, insisted that I, that they draw up my witness statement and that I only check it and sign it. Basically, settle it, in legal terms. In all the time, up  
20 until the 15<sup>th</sup> of November last year, just last year, that was the official position of the Commission, to draw up my witness statement. Then, after my evidence leaders, Advocates Skinner and Sibiya resigned, then I was confronted, on the 25<sup>th</sup> of November last year, of drawing up my own witness statement, on my own, in my own time, over Christmas,  
25 over my private time, in order to meet an impossible date, of I think, I

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think it was the 2<sup>nd</sup> of February, which is just, just after the traditional summer, summer holidays. Basically, it has put an enormous, enormous, enormous pressure on me and this [indistinct] directly in the face of all my advisements, all my warnings to the Commission, in terms  
5 of letters and submissions. Indirectly, well, through my evidence leaders. All of this was completely unnecessary. I knew how, how long it would take them, to produce my, my witness statement. Yet, unilateral dates were just set, like the 21<sup>st</sup> of July, last year, like the 2<sup>nd</sup> of February this year, without there being a witness statement. That is  
10 completely wrong. It is completely 100 per cent wrong. I am not an accused in a criminal trial. I had to put together a witness statement, on my own, without the benefit of a, of a legal team, my own legal team, to do so. That has put enormous pressure on me. I am not a retired person. I am running a business full time. I run a farm. I have got other  
15 things to do. But, preparing for this Commission has basically taken an enormous, enormous, enormous chunk of my life, which I had better things to do. I could have done it properly, a year or so ago, if I had only been listened to. But, every single thing that has happened, has been to my detriment, accept the appointment of my new evidence  
20 leaders.

ADV KUPER: It seems, Dr Young that you are always the victim and you are always the victim with a vicious and malicious tongue.

DR YOUNG: Victims do have the capacity on very seldom, except for people like Jesus, who says turn the other cheek, normally respond  
25 commensurately or worse. I certainly, when it comes to the Armsdeal, I

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am one of the few people, who are real victims, who has always been asked, even by people who are accused of corruption. So, where are the victims, where are the victims? In fact, I, now that I remember, even people like, I think, Advocate Billy Downer said, in responses, there are, 5 not only the generic victims, who are the, the citizens and the tax payers, but there are real victims, like Richard Young. So, you kindly read out yesterday, the various projects, where I considered myself a victim and that certainly initiated this. But, unfortunately, 15 years later, it has not been put to bed, because of faulty things, like the JIT 10 investigation report, the simple unexplained abandonment of the J, the GFC leg, or the, so all of this thing has just, it is propagated. So, the victimisation, unfortunately is, as they say, the torture never stops.

ADV KUPER: And just so that we have some indication in the hierarchy of your hatreds, where does the JIT list, are you more 15 contemptuous of it, than you are of this Commission, or less, or the same?

DR YOUNG: Well, the good thing is about that this Commission has not, is still sitting. So, I am not going to make concluding remarks at this, at this stage, whereas, the JIT report was submitted to Parliament 20 on the 14<sup>th</sup> of November 2001. I think, the Chairperson of this Commission requested that I do not ventilate that theme of my evidence in this Commission. Well, partly because it is, because it is within my witness statement. I also know now, having looked at some of the evidence that was given before, like, people like, Dr Gavin Woods, who 25 was actually the Chairperson of SCOPA that that theme has been dealt

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with, by other witnesses. So, it might be that, you know, my own evidence, might be redundant or superfluous. But, the, the very fact that we are sitting here, in 2015, with Commission of Inquiry, has to mean that the JIT investigation and its final report did not put the issue of the  
5 Arms deal to bed.

ADV KUPER: The question was just, where in your hierarchy of hatred, you place the JIT?

DR YOUNG: With, with contempt, because as has been said before, in this Commission, it is not worth the paper that it was written on. I  
10 was, I have to qualify that slightly, that is not to say, every single word of its 384 pages is complete nonsense. But, certainly, the key findings are not only inadequate, but as I have proven, through my own efforts, through [indistinct] et cetera and the access to most, maybe not all of the draft reports, is that the key findings of the JIT report, were both,  
15 were changed, both by omissions and additions. The evidence of that, the stark, written documentary evidence of that, is before the Commission, sitting in some of the evidence bundles that I can see with my eyes, from over here. That cannot be reasonably challenged. So, what I am saying is that, if the JIT report was done properly, it, we would  
20 not have needed this Commission and I would not be sitting here, 14 years later.

CHAIRPERSON: I am sorry, Advocate Kuper. Dr Young, do I, do I understand you to be saying that those key findings of the JIT report that you do not agree with. It is nonsense.

25 DR YOUNG: What I said was that there were key omissions and key

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additions to the, the final JIT report. Look, I actually know the whole, or most of the process, by which the JIT was drafted and then finally reduced to one single 384 page report, with the draft that went to the Presidency, having been close to, or over 800 pages.

5 CHAIRPERSON: Dr Young, just listen to my question and answer my question. They key findings of the JIT report that you do not agree with, is this what you regard as nonsense?

DR YOUNG: Yes. In a nutshell, yes.

ADV KUPER: Very well, Dr Young. I am now going to turn to another  
10 topic and that is the question, the, the importance of what you have called the German police investigation. In your evidence, if I understand it correctly, you placed a great deal of importance on the documents, which became RMY 50, 51 and 55. If I can refer you, I will read it for you, so you do not need to turn it up, to page 9384 of the transcript of  
15 your evidence, at line 21, you said:

*“Yes, indeed, there have been specific areas. I am certainly aware of the time issues. But, I need to say, at the outset that the two documents, in fact, the three documents coming up, in terms of my evidence before this Commission, in the terms of reference, involving  
20 corruption are the most important, by in order of magnitude, or two, of all my evidence. So, it is certainly not an area or a theme, where I want to skim, in fact, if one has to err, I have to err more on the side of elaboration, than brevity.”*

Do you remember that answer?

25 DR YOUNG: More or less.

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ADV KUPER: And it is a fair statement of the importance you attribute, to these three documents.

DR YOUNG: That is correct, yes.

ADV KUPER: Do you suggest it to the Commission that these  
5 documents were inherently reliable and credible, because what you said  
at 9486, against line 14 onwards:

*“Well, in my own mind, these are genuine documents. If one reads them, they, these are, these are not just summaries. There are detailed references to search and seizures, to other documents, to dates, to  
10 other relevant circumstances. There are three reports. The second report, the second report partially corrects, corrects the first report. Then, the third report, the correct date is in 2008, is a year later. So, anybody, looking at the documents, knowing from where when they emanated, knowing the contents, it certainly gives somebody, like  
15 myself, the impression that they are genuine documents. If they are genuine documents, one would hope to believe the content. It is also genuine and the contents certainly do, do give one the, the belief that they are, at least, possibly true. Certainly, if such a report were ever written and provided to the South African authorities, then I, I believe it  
20 is worth, worthy of independent investigation, by both this Commission of Inquiry and any other relevant investigation, regarding the strategic defence packages.”*

That again, correctly reflects your impression of the reliability and credibility of the documents?

25 DR YOUNG: That is correct, yes.

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ADV KUPER: Chair, if you bear with me just for a moment. Chairman, what we have done, is to take the documents that are in the bundles of evidence before you, but for convenience, copied them in a file, which is much more readily accessible and which contains all of these relevant documents. So, with your permission, we will just distribute that file. Dr  
5 Young, do you have the file?

DR YOUNG: I do.

ADV KUPER: Please turn to page 661 and I am looking at the pagination at the top right hand corner, of the file.

10 DR YOUNG: Okay. I have got it in front of me.

ADV KUPER: I am correct then, in identifying RMY 52, at page 667, as one of those three important documents.

DR YOUNG: It looks like it, my 52 is cut in half. But, I think you are correct.

15 ADV KUPER: Would you turn to page 701 and confirm that there we have the second of the three important documents, RMY 53.

DR YOUNG: It looks like it, yes.

ADV KUPER: And would you turn to page 740A and confirm that there we have the third of the three important documents, namely RMY 55.

20 DR YOUNG: It looks like it, yes.

ADV KUPER: Now, I want to suggest to you that there are certain aspects of your evidence, regarding these documents and certain aspects of these documents that occasion concern. Or to use your kind of vocabulary, that seem to smell. Can I start, by asking you, whether  
25 you came into any of these three documents, with the permission and

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knowledge of the persons, you claim, authored them?

DR YOUNG: No. I did not.

ADV KUPER: Were these three documents filched? Taken, as far as you are aware, without permission, from the authorities, whom you say,  
5 authored them?

DR YOUNG: No. To the opposite.

ADV KUPER: I am sorry, please expand?

DR YOUNG: I, I know that they were not filched, in that somebody broke into a safe in Dusseldorf. They were supplied to other parties and  
10 indirectly, one of those parties supplied them to me.

ADV KUPER: They were supplied by the authorities you say authored them, to other sources. Is that right?

DR YOUNG: I said other parties.

ADV KUPER: Other parties. Who were the other parties?

15 DR YOUNG: I do not know.

ADV KUPER: How do you know that they then went to these unknown parties, with the consent and permission of the authorities, who you say, drew them up?

DR YOUNG: I am not sure, whether I said that. But, I did not mean  
20 that. What I said is I do not, they were not stolen from the originators in Dusseldorf.

ADV KUPER: You know they were not stolen. Do you know whether they were received or taken, with permission or authorisation?

DR YOUNG: Well, only by, maybe not a positive knowledge, but by in  
25 terms of a, a, there is no inference that they were not supplied, by the

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originators to other people, purposefully.

ADV KUPER: I do not understand that answer. There is no inference.

What are you judging that on? Why are you saying that?

DR YOUNG: Well, there is no indication, whatsoever to me, that the  
5 party, who supplied this to me, had received it, by unlawful means.

ADV KUPER: So, have you got the impression that it was handed to  
that person, bona fide and that person chose to hand it to you?

DR YOUNG: Well, there might have been more than, you know, one  
party in that transaction. You know, one party, to another party, to  
10 another party, which is the nature of, you know, investigations and  
information of that kind. But, certainly, one of those parties then, made  
a plan of getting it to me.

ADV KUPER: But, you do not know, who sent it to you.

DR YOUNG: Not exactly, no.

15 ADV KUPER: So, you know nothing about the legitimacy or the  
identification of the links, between the authorities, who drew it up and  
you.

DR YOUNG: No. That is not true. I am talking about me, coming into  
possession of these three documents, which I have now adduced into  
20 evidence for the Commission. But, I do know that, at least one of them  
was at least, one page of it, maybe two pages of it was shown to me, by  
an investigator in the Directorate for Special Operations.

ADV KUPER: South Africa?

DR YOUNG: That is correct, yes.

25 ADV KUPER: Who is that?

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DR YOUNG: Senior Special Investigator Johan Du Plooy.

ADV KUPER: Which two pages did he show you?

DR YOUNG: It was in the context of a meeting that we had, when he requested that I draw up an affidavit, which would be the foundation of  
5 my complaint that would lead to investigate. In fact, I think, I am wrong, when I called him senior special investigator. I think, by then, he was colonel, or actually, senior superintendent, in the, in the DP, Directorate for Priority Crime Investigation.

CHAIRPERSON: I am sorry, Dr Young, which question are you  
10 answering now?

DR YOUNG: I am answering the question of who, I am answering the question of what was shown to me, what page or two were shown to me, out of those reports.

CHAIRPERSON: And what is your answer?

15 DR YOUNG: It was, specifically, with regard to the Chippy Shaik bribery agreement.

ADV KUPER: So, which two pages?

DR YOUNG: Well, the, I said it is either a page or two and certainly that page, that I can remember, is the one that contained the reference  
20 to having come into possession of the, I think, it is the agreement between Christoph Hoening and Chippy Shaik and, regarding the Thyssen bribery agreement.

ADV KUPER: Were you shown the bribery agreement, as you call it? Or were you shown a reference, in somebody's report, to such an  
25 agreement?

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DR YOUNG: No. I was just shown a reference to it. I have never seen the bribery agreement, as I stated in my evidence previously. The only thing that I have, which I adduced into evidence is the, what I call the Teutonic memorandum, which is a reference to that agreement.

5 ADV KUPER: So, let us leave aside, for the moment, what you call the Teutonic memorandum and you being shown that, by an official in a South African policing capacity. Is it correct that in respect of all else, you have no knowledge of the links and the identity of the persons, between the authors and yourself and whether they received the  
10 documents lawfully, or unlawfully?

DR YOUNG: I do not have personal factual knowledge, other than what I have just described in my previous answer.

ADV KUPER: Now, who do you claim, is the author of these documents?

15 DR YOUNG: It is a police official in the criminal investigation department of Dusseldorf.

ADV KUPER: Do you know the name of that official? I am sorry, did you answer?

DR YOUNG: Yes. I said, no.

20 ADV KUPER: But, at least, you know the institution, from which it, in which it was drawn up, as far as you are concerned.

DR YOUNG: Yes. As I have testified before, the institution is contained with, in the header, the headers of all, on all of those documents and the person signs themselves as something in German at  
25 the end of each document that I can remember.

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ADV KUPER: And you decided that you wish to use these documents, as evidence, before the Commission.

DR YOUNG: Yes.

ADV KUPER: When did you decide that?

5 DR YOUNG: Somewhere between a year and two years ago.

ADV KUPER: And at that stage, did it occur to you that it might be helpful for you, to get into touch with this institution? Tell them that you were in possession of these documents and ask them, whether it would be proper for you, to show them to the Commission. Did you consider  
10 that?

DR YOUNG: Yes. I did and I adduced into evidence a communication, at the request of the Chairperson of this Commission. My communication was with the chief of that department, Chief Detective Inspector Andreas Bruns and I actually gave, I handed up a  
15 copy of that communication. I got a response from him, in a separate email, saying that, well, certainly one of my emails, there were more. He responded, saying we do not, we have no authority to communicate with persons, such as yourselves and that is the responsibility of the prosecutor, Herr Gotte. From what I can remember, it was going back, I  
20 said, quite a couple of years now, is that I did write to Herr Gotte and never received a response. Or if I did receive a response, it was basically a null response.

ADV KUPER: What does a null response mean?

DR YOUNG: Well, the answer is, no, we will not, we will not  
25 collaborate with you, or we will not be involved with you.

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ADV KUPER: Now, I am sure, if you had received that response, you would remember it. Yet, you seem to be suggesting to the Commission that perhaps you received such a response, perhaps you did not, did you?

5 DR YOUNG: Well, I can definitely remember the name of the prosecutor, Herr Gotte. But, I have had quite a full mind for the last three years or so and I do not remember every single email that I have had written and response. It is not that important. You know, certainly, if he had come back and said, yes, we will, we will collaborate with you,  
10 or no, we will take you to the international crimes court at the Hague, for suggesting that you, for suggesting anything like that, I might remember it. But, if somebody writes back and says nothing, you do not, you do not remember those kinds of things. I, you know, certainly, you know, I, if we wait until lunchtime, I can basically look in my computer and find  
15 the, all my emails to Herr Gotte. You know, I could say so. It is not that I have forgotten, or meaningfully forgotten, or opportunistically or self serving forgotten. It is because I just do not remember such relatively minor things.

ADV KUPER: Relatively minor things. These are enquiries you would  
20 be making, in order to legitimise the production of the three most important documents in your evidence.

DR YOUNG: No. I said I did try that. I went through that process and the answer was basically, no. So, you know, that was as far as I took it. I am in evidence of this. I am pretty sure it is genuine. I am pretty sure  
25 it was still relevant in the, at least, in the relevant time period, up until, at

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least, September 2010. Based on the, my interpretation of the Commission's terms of reference, of sharing any information, I might have about corruption and my oath to tell the whole truth, I made a judgement call that I would share this with the Commission.

5 ADV KUPER: During the lunch adjournment, or indeed, during the tea adjournment will you be kind enough to look through your computer, in order to extract all the emails that you wrote to any German authority, seeking permission to use these particular documents and the responses. Would you do that?

10 DR YOUNG: I made an offer to search for one or two communications with Herr Gotte, during lunch time. If you ask me for all the communications, with all the German thing, then I will do that, at the end of the day.

ADV KUPER: You think there may be so many?

15 DR YOUNG: Yes. It is not though there could be so many, things that happened years and years ago do not instantaneously appear, even at my information technology, unchallenged finger tips.

ADV KUPER: Very well, so thus far, we have reached the stage, where you are ignorant of any links, except the one you identified, between the drawing up of these documents by the institution, you say, drew them up and your receipt of them. We know also, that it appears, you will, you will correct us if we are wrong. It appears you did ask for permission, to put these before the Commission and the answer was in the negative.

25 DR YOUNG: Well, I do not think I say it exactly like that. I said that I

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sent an email to, to Andreas Bruns, basically indicating my interest in collaborating with him. Not necessarily, I cannot remember the exact, no, I did not say that I said I sent him an email, saying may I use these three documents. Basically, what I said is that I communicated him, in  
5 this context and the answer is, we do not deal with, we do not deal with other parties. That is the responsibility of the prosecutor's office.

ADV KUPER: Now, these documents were received by you, in circumstances, some of which you describe to the Commission, some of which, you have not yet been asked to describe to the Commission. Let  
10 me just deal with that. I am looking at RMY 52, at page 661. If I recollect, this is the one that you received, by way of what you called a memory device, a digital memory device. Is that right?

DR YOUNG: That is correct. Yes. Well, all three of them were received in the same way.

15 ADV KUPER: You must forgive me, I am, I am entirely illiterate, when it comes to modern technology. So, please, regard me as simple and just explain, what the shape and size and nature of this digital memory device was?

DR YOUNG: It is a, a mini, a mini hard drive.

20 ADV KUPER: And did you only receive only one, or did you receive three?

DR YOUNG: Just one.

ADV KUPER: And how was, how did it come into your hands, by what mechanism?

25 DR YOUNG: I think we are straying far too close now, to the

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protection of my sources. It is in my view unnecessary to, to, you know, to, to ventilate this particular issue. You know, I, the issue, as far as I am concerned is either these documents are genuine, or they are not. I have already stated that I am the highest priority here, other than giving  
5 my truthful evidence and the whole truth, as far as I can. But, that includes, protecting of my sources. So, in my own view, it is unnecessary to start asking me questions that might lead to the exposure of my sources.

ADV KUPER: Unless you are lying, Dr Young. You do not know who  
10 sent you this memory device.

DR YOUNG: No. I do not know exactly. It was sent to me, you know, incognito, unidentified, or whatever the right term is.

ADV KUPER: I do not like the addition of the word exactly. I do not know exactly. Previously, you did not know. Now, you do not know  
15 exactly. What do you mean?

DR YOUNG: I suppose I should say it better is, I do not know. Of course, one always wonders about these things, like you are trying to wonder now and get me to wonder. I can speculate. That might lead to some in exactitude. But, I do not know exactly the why for and the  
20 where for and how for of how this thing was sent to me.

ADV KUPER: Therefore, there can be no question of protecting your source and therefore, I am pressing the question. How did it arrive in your hands?

DR YOUNG: I said I am not prepared to answer that.

25 CHAIRPERSON: Just hold on Advocate. Dr Young, the question is

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simple. The question does not mean that you must disclose your sources. It is simply, how did it come into your hands? It has got nothing to do with your sources. But, then, it has got something to do with, how did you get possession of that, or that mini hard drive.

5 DR YOUNG: It was, it was sent to my, I do not live in Cape Town. I have got my offices in Cape Town. It was sent there. One, I think, one of my staff handed me the contents of whatever had been sent. So, I do not know. There were things, things were done that, when I was not there and I do not know the, the, well, I do not know the exact details  
10 and all the details. I am not going to speculate about what the possibilities are.

ADV KUPER: But, if you did not know how you got it, why were you objecting to say saying so?

DR YOUNG: Because, I know this line of questioning, basically leads  
15 to more and more miniscule, more source of information that could, you know, could lead to some identification, direct or indirect of the source.

ADV KUPER: And how and why would you put an unidentified memory device into your computer?

DR YOUNG: Well, the first thing is, I do not stick it right into my  
20 computer straight away. You see, I am not IT challenged. I can, the first thing we would do is run it, via an anti-virus thing, so that it cannot cause problems, in terms of malware. But, secondly, if one gets sent a digital device, whether it is a cd rom, this information has been sent to me on cd rom before, whether it is a memory stick, which is basically a  
25 more, a form of a kind of a hard drive, or a mini hard drive, it is has

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clearly been sent to you for a purpose, because it has got information on it. It is not because somebody is giving you a Christmas present that you that you could [indistinct] another hard drive into your laptop.

ADV KUPER: And when did all this happen?

5 DR YOUNG: In the first half of 2010, is what I can remember.

ADV KUPER: At that stage, did you have a good relationship, with the German institution, who you think authored the documents?

DR YOUNG: Well, it was not bad, but I would not, I would say that there was hardly a relationship at all. I think that they were pleased that  
10 if I did send them anything that there was no relationship whatsoever, that was good enough for them, to share anything with me.

ADV KUPER: Were they victimising you again?

DR YOUNG: No. That would be putting it too strongly.

ADV KUPER: But then, why did you not contact them immediately and  
15 say, I have received these documents? I think they are very interesting. I would like to pursue aspect of them and I would like you to confirm that they are indeed documents emanating from you.

DR YOUNG: At that particular stage, I had no necessity to do so. We, I mean, I only supported Terry Crawford-Browne, I think, a whole  
20 year later, regarding his application to set up the Commission. The further investigation, Project [indistinct] investigation, specifically the GFC leg, had a life of its own. As I have mentioned, the Hawks had already initiated, well, let us say taken an interest in initiating investigations. They needed a formal complaint, in the form of an  
25 affidavit from me. In fact, I said Colonel Du Plooy had just shown me

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the one page, which related to the informal complaints that I had been making for a couple of years, to him and his colleagues. So, when this, when he asked me to formalise this, he just showed me the one page. So, there was no necessity for me, if this thing had a life of its own in  
5 South Africa of why I needed to, in 2010, why I needed to be in communication with the Germans, for the purposes here, as you have set out in your question.

ADV KUPER: I will tell you why. Because if you were bona fide, if you were honest about it, the very first thing a self respecting, self appointed  
10 investigator would do, is go back to the authorities, from whom this seemed to come and confirm the authenticity and the permission of the authority, for you to have the documents.

DR YOUNG: That, you mean, okay, that is your statement and it is clearly your own opinion. You are not me and my judgement call, at the  
15 time was that I do not need to use this at the, for the foreseeable future and I would just let it lie. It is exactly what I did. I had no necessity to immediately go back to them and say can I use it, what was I going to use it for? I had no, in, early 2010, I had no necessity to use it.

ADV KUPER: So, you kept it as possible material for further, but  
20 unknown Arms deal investigative work that you might undertake.

DR YOUNG: Yes. In general, yes. But, there was no specific decision from me, that I am keeping this for my [indistinct]. It is because I am a repository of information. So, I kept information, like, there were extremely disparaging remarks made, I think, by yourself or one of your  
25 colleagues in the Bakra public hearings, where I had received a digital

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document and I destroyed it, because I had received another copy. I certainly took that to heart. So, it was in the negative context of deleting a document. So, I kept, I decided, in the future I will keep all the documents that gets sent to me.

5 ADV KUPER: I see it was my fault.

DR YOUNG: Absolutely.

ADV KUPER: Let us, let us go to RMY, RMY [indistinct].

CHAIRPERSON: Advocate Kuper, maybe let us take a tea break, you know. We will come back after 20 minutes.

10 ADV KUPER: As you please.

COMMISSION ADJOURNS

COMMISSION RESUMES

**RICHARD MICHAEL MOBERLY YOUNG: (s.u.o.)**

ADV KUPER: Dr Young we were dealing with the somewhat obscure  
15 and mysterious circumstances by which you came into possession of these three documents. I want to include a reference to the document at 659 would you look at it please.

DR YOUNG: Yes this is the Tutanic Memorandum.

ADV KUPER: As I understand your evidence this was faxed to you is  
20 that right?

DR YOUNG: As far as I can remember.

ADV KUPER: Would you have any doubt as to how you received it.

DR YOUNG: That is far as I can remember.

ADV KUPER: Those are words of uncertainty. Do you have any doubt  
25 as to how you received it?

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DR YOUNG: No I do not. I am sure that it was faxed to me but as I said I do not live where my fax machine is. My fax machine is at offices in Cape Town. I live 200 kilometres away then. It would have been faxed to my company and then scanned by my company and then emailed to  
5 me as a scanned PFD document.

ADV KUPER: Do you know from where it was faxed?

DR YOUNG: I know that it came from Germany.

ADV KUPER: How do you know that?

DR YOUNG: From what my memory tells me is that I mean maybe my  
10 staff told me that a fax had been received from Germany.

ADV KUPER: I understand that when a fax it transmitted invariably the telephone number of the sender is shown on the document. Is that true?

DR YOUNG: That can be the case. If that was the case then that  
15 information has disappeared in the scanning and the copying and whatever processes.

ADV KUPER: Now let us start with the first part of the answer. I put it to you that, that is invariably so. Is that not your understanding of fax messages as well?

20 DR YOUNG: Not necessarily it depends on the fax machine on both sides. The transmitting machine has to have that setting set also the receiving machine also needs to record that. If those settings from both then it would not be recorded.

ADV KUPER: Did you obliterate the fax number of this document?

25 DR YOUNG: I cannot remember doing so.

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ADV KUPER: Is it possible that you did so?

DR YOUNG: It is possible that it was done in the process of scanning which I would not have done. I cannot actually remember the details of how this fax was handled after being received. I was not there in Cape  
5 Town. I use to only go to Cape Town three to four times a year. So I do not deal with the nitty, gritty of these things. It could well be that the very original that was received the piece of paper were received was taken out and filed. I do not do that people in my company do that. I got a slightly modified version after having been scanned and OCR and  
10 otherwise dealt with.

ADV KUPER: Do you think you can retrieve the original fax for us?

DR YOUNG: I certainly can look for it. I spent the whole of my tea time all my Herr Gotte communications. If I can do that in 15 minutes I certainly can spent 15 minutes when I am next in Cape Town to see  
15 whether there is the original of that Tutanic Memorandum facsimile.

ADV KUPER: Thank you. Do I understand you to say that you have retrieved all the emails that were sent by you and received by you in connection with permission to use the three documents?

DR YOUNG: Again I think you are putting words in my mouth. I have  
20 already answered that. It is the communication that I had with the German Authorities in this regard. I have copies at least the ones referring to Herr Gotte. There is one referring to Detective Chief Inspector Andreas Broom which referred me to Herr Gotte. There is another one with me referring to my communication with Herr Gotte to  
25 Cape Painting of this Commission. It certainly put it into context.

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So, so far I think I have retrieved five emails. I have converted them to PDF and I was just about the kick the sent button to sent them to Advocate Mdumbe which I will do before lunch time. There are other or there could be other relevant documents or communications with the German Investigating and Prosecuting Authorities and that I why I said it might take me longer that just a tea time.

ADV KUPER: Thank you. I will wait for them before I pursue it then.

DR YOUNG: May I pursue it?

ADV KUPER: I am sorry?

10 DR YOUNG: I say may I pursue that matter or not?

ADV KUPER: I am going to come back to it.

DR YOUNG: Okay please make sure that you do.

ADV KUPER: I do not think you need added pertinent to your answers.

DR YOUNG: Otherwise I must address it myself. That is not pertinence that is a reasonable and valid response of a witness.

ADV KUPER: You have judge yourself and found yourself [indistinct].

DR YOUNG: No, I have judged you.

ADV KUPER: I want to go to RMY52, Dr Young? I now want to deal with formal aspect of RMY52 which again occasion concern or if you like it a smell?

DR YOUNG: Okay.

CHAIRPERSON: On which page is it?

ADV KUPER: 661 Mr Chair. This document does not contain any signature identifying the author does it?

25 DR YOUNG: No I think that I have testified about that before. Only their

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function.

ADV KUPER: So it is a document which comes from as far as we are concerned an anonymous author?

DR YOUNG: Anonymous in terms of the exact identity as the natural  
5 person who wrote it but it identifies the juristic person who is responsible for writing it.

ADV KUPER: That is assuming that it is authentic?

DR YOUNG: I guarantee you that it is authentic because even the  
Commissioner of this Commission stated in my first session of evidence  
10 that he himself was in possession of it and I am pretty sure that he would have or should have stated if he did not think that it was authentic. That was the time to do so.

CHAIRPERSON: Just hold on Dr Young we do not want you to talk for us. The only thing that we said was that we were aware of this  
15 document. I never said anything about the authenticity of this document?

DR YOUNG: Excuse me Chairman he said that he had been in possession for quite a considerable amount of time and that, that by inference has to mean that, that considerable amount of time had to  
20 have, if it was not authentic that was the time to have dealt with it.

CHAIRPERSON: Dr Young you are not going to tell us who and when to deal with this document. This document was in our possession and we will deal with it as we deem fit. We are not going to take instructions from you as on how we should deal with the documents.

25 DR YOUNG: No, I am not giving you instructions ...[intervenes].

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CHAIRPERSON: I think we can continue Advocate Kuper.

ADV KUPER: Thank you Chair. Now this document not only does not identify its author but it does not identify the addressee either, does it?

DR YOUNG: No, it is just a report.

5 ADV KUPER: Well it is a document as yet you do not know that it is a report. In this document there are clear references to some unidentified addressee. Can I take you please to page 672. I am referring to the middle paragraph in respect of the contract between Mellar and Ferrostaal. It is of interest of us that the Mail and Guardian mentions a  
10 payment of \$10 million from GFC to Modise. From the context of the newspaper article it sounds as if this fact had also been content of your letter or request. I understood that during our meeting that you have no relating information. Do you have any personal knowledge of what is being indicated here?

15 DR YOUNG: No,. Only what is on the face of what is written here.

ADV KUPER: You do not know the identity of the person to whom this request is being addressed?

DR YOUNG: I do not know but I think the term request means the letter of request for me to legal assistance.

20 ADV KUPER: I am only interested in what you know. Please confine yourself to what you know. Turn to page 681.

*"I now learn that a BAeSEMA exists but do not know whether there is a connection to Surtees Sema."*

Do you have information about that. You see again that it appears to  
25 be containing requests for information from an identified person

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[indistinct] do you agree?

DR YOUNG: I do not think that I heard your question there. I do not hear?

ADV KUPER: I asked you if you agree that it appears that it is  
5 requesting information from a person that is unidentified?

DR YOUNG: Now you are asking a question, yes I will agree with that.

ADV KUPER: Will you turn to page 697. In the middle of the page:

*“As mentioned during our meeting in February we still need some  
information for our request for legal assistance to Britain about”*

10 Did you attend meeting February with the German Investigative  
Team?

DR YOUNG: No, I did not.

ADV KUPER: Do you know if any South Africans involved in criticism  
of the Arms Deal did?

15 DR YOUNG: No I do not know that not at that time. I do know at some  
stage but I think it was much later that Patricia de Lyll visited the  
Germans and I gave the correct information to the Commission, this  
Commission but that was obviously much later than the date of this  
document which is 2007 or 2008.

20 ADV KUPER: So that while you would agree that the document is  
engaging with some unknown 3<sup>rd</sup> person it is interesting that it is neither  
address to that person in any meaningful salutation and also that there  
is no ending to this document as you see at page 700?

DR YOUNG: Well you are wrong in respect of the ending, there is it  
25 ends with the functional possession of the person who is writing this

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letter.

ADV KUPER: I am talking about the addressee?

DR YOUNG: You asked two questions. One was about the ending and one was addressee. There does not seem to be a direct indication  
5 maybe indication at all of who the addressee is.

ADV KUPER: So what we can be sure about is that this document whatever it is, is not in its final form. Is that right?

DR YOUNG: There could well be like many of these kind of things they get sent under a covering memorandum or a facsimile cover page or a  
10 letter or whatever it is. In that respect you are probably correct. I am not aware of anything. I am not aware off or in possession of anything like that.

ADV KUPER: You certainly cannot say to the Commission, that the Commission is looking at a document final in form?

15 DR YOUNG: Well the term 'final in form' I think it was seen in the fact that are three of these reports. This is a kind of report of work in progress. So in terms of the document itself it does seem final in itself but of course the whole matter is not final because it is exceeded by other similar reports.

20 ADV KUPER: Dr Young I do not want you to try and inject your own version of credibility into a document. I am putting it to you simply for you comment that it is not a final document. It does not appear to be a final document, because it shows no addressee. Also because it shows no author and because it shows no final salutation and incidentally it is  
25 not even written on the letterhead of the investigating entity. I am

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suggesting to you that it is manifestly not in final form. Would you agree?

DR YOUNG: No I would completely 100% disagree. I would say that it is in final form it might not be in complete form but your use of the  
5 terminology final is completely wrong and inappropriate in this instance.

ADV KUPER: How would you know that?

DR YOUNG: Because you have asked for my view and that is my view. You have got your view and I have got mine.

ADV KUPER: Excellent. So the Commission must accept that you  
10 tendered this to the Commission formally of the view that it is a document final in form and that the Commission can rely upon it because it has the status?

DR YOUNG: Absolutely 100% because that is what exist. This is not a court of law. This is a Commission of Inquiry gathering information and  
15 this is the best the exist as far as I am aware in what I would term the Project Bomiproteria GFC Leg that is what exist that is that I have got and that is what I have adduced before the Commission.

ADV KUPER: If you can go to RMY53 at page 701 that there is no author stated. Is that right?

20 DR YOUNG: As far as I can remember yes.

ADV KUPER: Nor is that any addressee. is that right?

DR YOUNG: I do not know why I need to repeat myself. I said all the documents or all three of these reports are a series and they look more or less the same.

25 ADV KUPER: I am interested in your evidence. Because I am trying to

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test it I do not deal with it on a generalised basis. I deal with it document by document in order to allow you an opportunity of answering document by document. I am simply putting to you that this document like its predecessor has not identifiable author?

5 DR YOUNG: You are right. Well you are right in respect of no identifying author in the form of the natural person. It is clear enough what the function is and what the organisation is.

ADV KUPER: If I can take you to RMY55 at page 740A. There is no identified author and no identified addressee. Is that right?

10 DR YOUNG: Yes more of the same.

ADV KUPER: What there is on the first line at page 740A is the word that this is the 1<sup>st</sup> evaluation of a certain bank account. Is that right?

DR YOUNG: That is what I can see yes.

ADV KUPER: Which of these documents were received by you in  
15 German and which were received by you in English?

DR YOUNG: The first two were received by me in English and only this one was received by me in German.

ADV KUPER: So we must add to our knowledge of the 1<sup>st</sup> and 2<sup>nd</sup>  
20 documents that they were not written in what you were supposed to be the author's home language but were written on the basis, they were created in English?

DR YOUNG: Well I have no knowledge or evidence to the contrary.

ADV KUPER: Would you dispute the description that whatever these documents are they are rough preliminary documents?

25 DR YOUNG: I would dispute that. I think a more accurate description is

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that they are reports of an investigation and specifically reports of work in progress.

ADV KUPER: In order to proceed as quickly as I can I am going to summarise some of your evidence which may be based on these letter  
5 or may involve your own investigations. That is just so that we can keep the lines of communication as you might say, clear. The suspicion is that two companies and particularly to individuals were involved in bribery. The first was a company called MALLAR Inc. represented for all intensive purposes by a Mr George Georgadis.

10 The second was a company called Merian Ltd. which was represented for all intensive purposes by a Mr Pierce. Do you agree so far?

DR YOUNG: No because you are just talking about two companies who are the recipients you said involved in bribery. Of course like tangoing it  
15 takes two to bribe. There is of course the bribing company and the bribing parties. You have omitted to mention Jurgen Koopman and Cristoph Hoenings and the company who made the agreements and the payments, Thyssen Rheinstal Technik and I think that you also admitted the admitted the reference to other suspicions of corruption as well.

20 ADV KUPER: Thank you Dr Young. Is there anything in the summary that I have given which is factually incorrect?

DR YOUNG: Well other than the fact that Ian Pierce was just acting as an interlocutory for Chippy Shaik and a group represented by him then if you add... my response to you is that, that is a reasonable summary.

25 ADV KUPER: In regard to MALLAR the allegation appears to be that it

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received amounts for the purpose of bribes and these amounts are \$22 million and I think also \$3 million. Is that right?

DR YOUNG: Yes the \$22 million was paid to MALLAR in Liberia and the \$3 million was paid to Merian in Yersey. They are two separate they  
5 are not directly related.

ADV KUPER: In regard to Merian the allegation is set to be that an amount of \$3 million was paid to Merian for the purpose of bribery and the that bribe was intended for Mr Chippy Shaik. Is that right?

DR YOUNG: Yes and a group represented by him.

10 ADV KUPER: What I am doing in trying to summarise and facilitate the move to the next step is just to gather together the essence of what these documents refers too and in respect of which the inquiries are being said to be made. That is what I am doing. I want to focus on the payment of \$3 million to Merian?

15 DR YOUNG: Okay I accept that.

ADV KUPER: In this I am dealing with the documentation we have and the point that I am going to deal with is the extraordinarily speculative and rubbishy material that we are going to encounter. Do you understand? What happened in regard to this payment according to  
20 these documents is that the investigation sought to identify the bank which had received the payment as a bank which was situated in Jersey. You have seen that from the document?

DR YOUNG: Yes I have.

ADV KUPER: For convenience I am referring to the document at 740A  
25 so that if you have it before you and the Commission has it we can deal

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with it as quickly as possible.

DR YOUNG: I have it in front of me.

ADV KUPER: What this document records as having happened at page 740C is that the money paid to the Jersey account had been  
5 identified. Is says:

*“The entrance of the contracted \$3 million bribe was made on 4 May 2000 with the (I take is a company in TEXT”*

Then it sets it out showing that it is a payment from Thyssen RAGI.

Do you see that?

10 DR YOUNG: Yes, I can see that.

ADV KUPER: So we know exactly then from this document what account they were looking for and the supposition that the account money is a bribe. If you will turn to page 740 against the letter (i)?

DR YOUNG: I have that.

15 ADV KUPER: We can see a chain of speculation that now unfolds. If we look that the 5<sup>th</sup> paragraph I think it is about the 5<sup>th</sup> paragraph:

*“Since the first exert presented here it seems to me the first copy of the bank statements that they had managed to obtain for the period 31 December 1998 to 30 June 1999 designated with number 2 it can be  
20 presumed it is in fact only to the second extract to the account which in turns suggest that the account was opened in the second half of 1998.”*

Do you see that?

DR YOUNG: I( see that.

ADV KUPER: If you will skip a paragraph and go to the next  
25 paragraph:

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*'Thus opening the account would fall in time with the bribery agreement at the South African Tour of the accused Hoenings with C Shaik together Merian and the signing of the treaty on 8 October.'*

Do you see that?

5 DR YOUNG: Yes.

ADV KUPER: So you understand that the writer is seeking by way of dating backwards to have the payment coinciding as far as possible with the conclusion of a bribery agreement?

DR YOUNG: That seems to be correct, yes.

10 ADV KUPER: Do you see that he goes on to say, or she goes on to say:

*"This statement hand to the entrance of the TRT payment recorded booking process suggest that the account was set up for the sole purpose to make the expected payoff of the TRT flow into this account and distribute from there to the actual beneficiaries."*

15 Do you see that?

DR YOUNG: Yes, I see that.

ADV KUPER: So we know now that at this juncture the unknown investigator if indeed it is an investigator believes that they have got  
20 their hands on the account which was the bribe account and which was to be used to pay all the guilty parties who were to be bribed. Do you understand?

DR YOUNG: Well specifically Chippy Shaik and a group represented by him.

25 ADV KUPER: If you go to page 740D You will see at the foot of the

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page 5.5 Receipt of payment of 29 June and what the report is now purporting to do if it is indeed a report. It is to list the payees to whom some \$1 600 thousand were paid out.

DR YOUNG: Yes I see that.

5 ADV KUPER: At is at 740E.

DR YOUNG: That is correct.

ADV KUPER: There are 22 persons to whom payments were made. Do you see that?

DR YOUNG: Well if you are talking about juristic persons there are 22  
10 entities which received payments.

ADV KUPER: Does the report manage to connect any of these payments with any person suspected or receiving a bribe?

DR YOUNG: Yes, at least the 3<sup>rd</sup> one is Ian Pierce, Elvis.

ADV KUPER: But is Ian Pierce the representative of the company  
15 which was transmitting the supposed bribe?

DR YOUNG: Well I do not think that it is the rock 'n roll singer.

ADV KUPER: He was not being bribed he was a briber.

DR YOUNG: No he was not, the briber was Thyssen Rheinstal Technik and bribe-ee[?] was Chippy Shaik representing himself and a group and  
20 the interlocutor acting on his behalf was Ian Elvis Pierce.

ADV KUPER: Does the document firstly apart from Mr Pierce identify any of the recipients as bribe-ees?

DR YOUNG: No.

ADV KUPER: As far as Mr Pierce is concerned I will not debate it  
25 further with you. I think it is obvious that he is a briber. You are satisfied

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that he is a bribe-ee or acting for a bribe-ee and let us leave it at that and just pursue a conclusion that the massive payments from this suspected account cannot be tied up in this report with any suspected bribe-ee?

5 DR YOUNG: Well that cannot possibly be correct because you said cannot be tied up. You know there is links there is direct links and there is indirect links. It is clear from the evidence that Ian Elvis Pierce was acting for Chippy Shaik. It is clear from other evidence that Ian Pierce was Chippy Shaik's accountant and friend for a long period of time. Also  
10 the other piece of evidence which I as far as I can remember adduced to my first session here is at least for example. One of the companies, I cannot remember it was Stefonell or Stef Africa a director of that company is Loreal Grea Pierce who is Ian Pierce's daughter.

ADV KUPER: And perhaps he likes her?

15 DR YOUNG: I would certainly hopes that he loves her not just likes her.

ADV KUPER: So staying with the document and apart from you contention about Ian Pierce who received \$115 thousand, apart from that there is no link established in this document with the bribe-ees?

DR YOUNG: There certainly are links. There might not... well we do not  
20 even know who are the members of the group represented by Chippy Shaik. What we do know is that there is direct link or direct as one needs for this kind of thing to Ian Pierce. Then there is a link from Ian Pierce to Chippy Shaik is as clear as need be.

It almost seems as though I am being asked to bear a burden of proof  
25 of ...[intervenes].

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CHAIRPERSON: Dr Young please stop that. You have been saying this for the past eight days. Just listen to the question carefully and answer the question. If you do not know you do not know.

DR YOUNG: I think that I also have a right to make relevant responses  
5 other than absolutely directed questions well answers to questions, okay. That is my understanding. In fact I took a legal opinion on it this morning so ...[intervenes].

CHAIRPERSON: Dr Young legal opinion or no legal opinion. Please let us proceed with the cross-examination. Listen to the questions and  
10 answer the questions.

DR YOUNG: I am looking for a... do I have no right of explaining my questions. Am I only ...[intervenes].

CHAIRPERSON: Dr Young answer the questions.

ADV KUPER: I want to point out to you that according to this  
15 memorandum the company which controlled and administered this account was a company called Stonehage. If you go back to page 740A about the 3<sup>rd</sup> paragraph the paragraph was 85219599 at Barclays Private Clients International in Saint Hellia Jersey conducted and administered by the trustee company Stonehage. Do you see that?

20 DR YOUNG: Yes.

ADV KUPER: If you go to page 700... forgive me. That same page 740A but you go down a paragraph or two until you see the words ' more information' do you have that?

DR YOUNG: Yes it do.

25 ADV KUPER: It says:

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*“More information about the customer could not be determined according to Barclays Bank despite a thorough search. It is stated that since the account was managed by Stonehage that customer relationship on a confidentiality basis undisclosed basis was performed.*

5 *Therefore only a standard acknowledgement of the middle man would have been present in which it was assured that the relevant details will be kept.”*

I am not asking you to explain that I am just asking you to have regard to what is stated there. Then I want you to turn the page to 740B.

10 Here it appears that the person writing this report has decided to investigate Stonehage. If you will look towards the foot of the page you will see this:

*“On the website of Stonehage many employees will be presented personally. By the CV’s it is noticeable the striking number of these*

15 *employees either come from South Africa, studies there and have been trained or worked in South Africa . This reeks not only to the employees who are currently employed in the offices of South Africa Stonehage. The CEO, Jusep Chuckee the board member and board members without portfolio, Joe Kemenski, Harold Govey, Laurence Art the*

20 *managing director, executive direction Grant Rogedson and Len Durran, [indistinct] David Sable; Collen Shaghard; Ronny Armest. Steve Backhouse. Ian Crosby and five without reference to South Africa and other subsidiary employees.”*

It appears to be significant to this order that a trust company which  
25 operates in Jersey has so many South Africans connected with it. Do

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you see that?

DR YOUNG: Yes I see that.

ADV KUPER: Not like Muslims or struggle fighters just South Africans.

DR YOUNG: Well that is another category in itself especially when you  
5 are in Jersey or overseas.

ADV KUPER: According to you any South Africans involved in an overseas company must be involved in some illicit purpose?

DR YOUNG: I do not think that I have said that. You are not trying to put words in my mouth. All that I am saying is, is that when you are  
10 overseas you are normally dealing with foreign, sorry local people so if there is suddenly South Africans involved they become a focus or interest group just like the Muslims or the struggle people were in my organogram. It is a logical analogy.

ADV KUPER: Let us go to 740J and look at the middle of the page.  
15 “The available information suggest that various subsidiaries of Stonehage in the concealment of the payment ways.”

Do you see that?

DR YOUNG: Yes.

ADV KUPER: Well so this anonymous author had managed apparently  
20 via the South African connection to decide that Stonehage has been involved through various subsidiaries in the concealment of payments but through available information. Do we now have the available information.

*“It was found that Stonehage references to South Africa which do not  
25 relate only to local branches in Cape Town and Johannesburg but that*

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*many leaders of the Stonehage have a direct personal connection to South Africa.'*

Do you see that, any comment?

DR YOUNG: Yes and it carries on.

5 ADV KUPER: I am going to deal with the way it carries on in just a moment Dr Young. For the moment I am just underlying the fact apparently regarded as suspicious that South Africans are involved in Stonehage. I want to then to get the first reference. Just bear with me. Do turn back to 740B.

10 DR YOUNG: I have that page in front of me.

ADV KUPER: I have already read to you the reference of the employees of Stonehage being predominately South African. The second last paragraph right at the foot of the page,. Having you remember identified Mr Chuckee as the Chief Executive Officer of  
15 Stonehage then goes on to say:

*"Jusep Chuckee was found that it belongs that it belongs to the International Executive Board of the Organisation Ma-Africa-Ticoen."*

Do you see that?

DR YOUNG: Yes I see that.

20 ADV KUPER: *Recognised since 2006 as BEE Company Organisation was founded in 1994. Was when Mr Nelson Mandela the first democratic President of South Africa."*

It just seems to stop then. But at 740C.

*"Nelson Mandela heard today as the top [indistinct] patron and chief of  
25 the organisation. Jahindra Rudd is listed as non executive director ie, as*

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*a board member or manager without portfolio. Cyril Ramaphosa former Secretary General of the ANC is mentioned as a another patron. Upon the sponsors of Ma-Africa-Ticoen include the Nelson Mandela Children's Fund. Stonehage Charitable Trust. SASFIN Holdings. Stonehage, EXTRATA, Absa Bank."*

Then is we can link that as you were telling me that I ought to read the next paragraph at 740G . Immediately after accusing Stonehage of hiding bribe payments on the basis there as so many South Africans involved in it, it goes on:

10 "About the organisation *Ma-Africa-Ticoen* could at least relative to the CEO Jusep Chuckee a direct reference to Nelson Mandele, Cyril Ramaphosa and Jahindra Rudd exist. The relationship to *Ma-Africa-Ticoen* has in any case indicate a commitment Stonehage in South Africa the less direct contact with the business interests of the trust."

15 Do you see that?

DR YOUNG: Yes I see that.

ADV KUPER: All of it is the available information which I want to ask you something about. Have you ever investigated what is *Ma-Africa-Ticoen*?

20 DR YOUNG: No I have not.

ADV KUPER: Never occurred to you when you were working up your case and involving yourself in complex conspirisies that here this document was telling you to look at *Ma-Africa-Ticoen* because of the connections that linked Stonehage to Nelson Mandela and Cyril  
25 Ramaphosa?

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DR YOUNG: No, if we go back to 740E, would you like to go there?

ADV KUPER: If you are answering my question please go ahead.

DR YOUNG: Yes sure. As you brought this up. Paragraph 6 is a list of the 22 payees. If one goes down to 6.16 Stonehage it looks like the  
5 amount of \$2 658 now why would I waste my time on that out of a \$3 million payment. I did not waste my time on that. I will be frank.

I looked at I think I decided to split the thing more or less in half and I looked at the top 10 payments, number 10 is Contor International which was \$27 700 then there is a big change down to the next one which is  
10 \$10 000. So small amount and effort that I could spent on this I look at the (excuse the terminology) the bigger fish. I looked up and a substantial amount of effort into looking for Steffonel, Ian Pierce and whatever I could find on those top 10 of which let us say most of them six or so of them there was not much information freely available and I  
15 could not make much progress on any of those. Certainly with regard to Steffonel and Stef Africa I found a direct link to Ian Pierce.

I think I testified in my first session here that one of those companies the director the sole director was an old woman I think she would be about 94 now but she already died in 1992. It looked to me like a  
20 special purpose vehicle. Other than directed searches when you are living in a place like I do I cannot just jump into my motor can go and do investigative searches of shareholders and trustees and things. I think that I found sufficient to show that at least this first investigation as you pointed out is a very first line of this report for this initial investigation  
25 there was at least something to work on.

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ADV KUPER: I am simply referring to the emphasis and the importance which this report gives to Stonehage's involvement and its connections with Nelson Mandela and Cyril Ramaphosa through this entity called Ma-Africa-Ticoen. I understand from your answer that you did not regard  
5 it as important to work out who Ma-Africa-Ticoen was. We are going to help you in that regard.

Chair forgive me. Our pages for the next reference are not within that volume. They were obtained at later time. I am afraid that they are in a 3<sup>rd</sup> volume, volume 5 I just ask for a moment while we distribute it.

10 I want you to turn to page 904. This is an extract from the website and it starts with exactly the question that your anonymous investigator and yourself should have asked, Ma-Africa-Ticoen who are they?

*"The word Ticoen translates approximately as rectification or making right a wronged. This was not for profit NGO was established in 1994  
15 the year of South Africa's first democratic elections.*

*In order to support and uplift many of that country's children impoverished through decades of social-culture and political neglect for many of these children warding off day to day starvation is a primary of their lives. They do not have access to nutritional health educational or  
20 recreational support of any kind. They have minimal family or other social resources to assist them.*

*Mr Nelson Mandela is their chief patron and today Ma-Africa-Ticoen continues to focus on assisting and uplifting destitute South African children in particular orphans and other at risk kids whose parents have  
25 died from HIV Aids; tuberculoses or the many other forms of premature*

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*death in present day South Africa. Ma-Africa-Ticoen is non-political; non-religious and it is one of only four charitable organisations that has the official support and the patronage of Mr Nelson Mandela.*

*The projects of Ma-Africa-Ticoen are characterised by community involvement and sustainability. For example Ma-Africa-Ticoen employs and train caregivers from the very communities in which the vulnerable children reside.”*

That is all new to you, is it?

DR YOUNG: Yes I hate to use the word cross-examination by ambush in that very altruistic speech that you have just given because this is what it is as far as evidence is concerned. You know I am being confronted now with my third file of documents which could have been given to me last night before I went home like I perused the first file. Anyway that is in the negative.

15 In the positive I would salute or applaud the finding initiatives or whatever of the Ma-Africa-Ticoen organisation. I think the only relevant point I could make right now that it is just a pity that whomever it was dispersing this \$3 million only decided to donate \$2 600 to this excellent and worthy cause.

20 ADV KUPER: Dr Young what I am pointing to is the extraordinary reckless connection that this unsigned unauthorised document attempts to make in regard to a network of bribery by saying of Stonehage the company it hides bribes and by demonstrating that it is somehow a sinister organisation by showing links that it has or that its CEO has.

25 Also that Mr Nelson Mandela has with this entity called Ma-Africa-

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Ticoen. That is what I am showing you.

In other words I am showing you that the author of this document is the author is the author of rubbish.

DR YOUNG: Well I think that it is again your opinion and I would say  
5 that your opinion in this context is also rubbish. For the very reason we  
have to look at this thing in its total context. You cannot... what you are  
doing is a classic, classic case of cherry picking. In fact you have  
plucked a very small unripe sour cherry at number 16 of the 22  
payments of whatever \$2 600 and not concentrated on the bigger fish as  
10 I called them earlier. If it is true that the payment of \$3 million would  
seems to be, at least on the fact of it common cause coming from  
Thyssen and that stems from a bribe agreement for \$3 million. Then I  
would say that it is incumbent upon the investigators to investigate at  
least in terms of first initial view which as this report states it is of  
15 whether [indistinct] so that is certainly not rubbish. It is just that they  
were doing what investigators do.

German investigators not that I know them well as particularly  
thorough if I had it my view it would say that these investigators wasted  
quite a lot of their time chasing a payment of \$3 000 out of \$3 million  
20 when they could have been applying their efforts time and energy and  
money better. That does not invalidate the rest of the information and  
even the rest of their initial conclusions that there was a bribe and it was  
paid. I will tell you from my, it is not my own experience because I have  
never been involved personally but I what I have seen in the Arms Deal  
25 as I have said yesterday is the modus operandi often seems to be one

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for me and one for yee[?] and one for the party. It slightly changed it from yesterday, it is slightly more generic.

So one of the ways that both of the individual recipients and the companies doing the bribing make the whole thing a little bit more palatable is that part of the benefits actually go to other parties not directly parties. We have seen it I have mentioned names yesterday. MK Veterans Association, NUMSA. You name it and while it is a small amount and it is a worthy cause that does not mean to say that it is not deserving of any attention whatsoever by the official investigators. It is certainly is not... well it is not my obligation to go investigating number 16 out of 22.

If you say that it is my obligation to do some investigation at least the minimal amount of time that I have should at least concentrate on the lion share of the \$3 million disbursement.

15 ADV KUPER: Dr Young I really cannot accept or believe that you are as oblivious to the questions and information as you pretend to be. I never suggested to you at any time that the importance of what was being said about Stonehage and what was said about Ma-Africa-Ticoen related too or depended upon or was relevant to the payment that was made 20 apparently to Stonehage Charitable.

I was refereeing painfully and in detail to the way the author of the draft report of this document sought to weave a web by relating Stonehage to South Africans by relating one of the chief executive officers connections with Ma-Africa-Ticoen to the fact that Nelson 25 Mandela and Cyril Ramaphosa had these connections. By relating to

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the fact that these are the available information which suggest the dishonesty of Stonehage and the involvement through Ma-Africa-Ticoen of a link between the leaders of South Africa and Stonehage in a unhealthy and sinister and perhaps criminal way.

5 I have put to you that it is rubbish and your answer to me that no, no they only pay a small amount seems to me with great respect Dr Young also to be rubbish.

DR YOUNG: No well you used the term rubbish yourself and what you are trying to do is by using that small sour tiny cherry of to rubbish the  
10 whole effort of this investigation team. I do not think that it is just one person. I would say that maybe this one is not of great significance but I will say that sharing information which clearly this report does is also a relevant and valid indication of where other investigations can look. If the same name comes up again, at least it is shared. I would not say  
15 that either completely irrelevant but it certainly does not rubbish the whole report.

ADV KUPER: Now I want to take you to another report on which you rely as the most important evidence you can put to this Commission. That is at page 687.

20 DR YOUNG: I am there.

ADV KUPER: Again Dr Young it has to do apparently with this bribe of \$3 million alleged to Mr Chippy Shaik. So it is the same intermediary and it is the same situation we were looking at just a moment ago. The foot of the page 687 says. I am sorry the paragraph immediately above  
25 that refers to Shaik. It seems that Shaik believed Hoenings that he

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made new arrangements and so on and it refers to Merian.

Then the foot of the page says:

*“This fact no longer is prosecutable under German Legislation because of the statutory limitation. Our intention is to encourage South Africa to open an own investigation into this matter. Furthermore this fact is interesting in the context of the case.”*

Now having contextualised what we are going to deal with can I ask you to turn to page 688.

DR YOUNG: Thank you for that.

10 ADV KUPER: It states:

*“From seized documents referring to this matter it seems that Chippy Shaik was not the sole beneficiary of the Mary Ann Limited Commission. That is the \$3 million.*

15 *“Hoening’s later reported that the group around Chippy Shaik fell with each other. It seems that at least Shaik and Pierce had a dispute about the payment of the commission.”*

Is that by the way where you get your information about a group around Mr Shaik?

DR YOUNG: No that is only indirect. It is far more direct in the Tutonic Memorandum written by Hoening’s recording his meeting with him where Shaik reminded him of the agreement that they had reached and it was in respect to a payment to Shaik and a group represented by him.

ADV KUPER: Yes there you say that you have Mr Hoening’s word for it?

DR YOUNG: Well unfortunately none of these people shared all this information with me at the time.

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ADV KUPER: Let us go on:

*"I can only guess who the other beneficiaries might be have been. It might have been a coincident that Hoening's with Surtee in London the same day. When he also met with Shaik 9 September 1998. In his diary*

5 *I found an entry for that day that he also at least intended to meet the Deputy Minister of Defence Kasrils whom Hoening's called his friend. He on one occasion received from Hoening's two Hermies ties as a gift worth about 300 Dutch mark.*

*We found in Ulrich Shield's computer files a list of code names. The*

10 *one for Kasrils was Kha. Kasrils might be link to Modise. But then I think the \$3 million are to small an amount to satisfy Shaik and Modise. On the other hand Ms de Lylle during her visit to Germany stated that Shaik was Modise's man. Also put into his position as Chief of Acquisition of the DoD by the latter.*

15 *The meeting with Surtee on 9 September 1998 might be an indication from Mandela/Mbeki participation in the Merian Ltd agreement but again the amount would be too small. I also could image that Howel had been part of the Merian Ltd as the direct subsidiary of Chippy Shaik he probably was very closely involved in Shaik's dealings concerning the*

20 *Arms Deal.*

*He also seem to have a close relationship to GFC employees even after he left the DoD. My hope is that if South Africa should ever lead an investigation into the Merian Ltd payment and accused Chippy Shaik that he will reveal the other beneficiaries if they really should exist."*

25 *I want to suggest to you that this is the most what is the right... this is*

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just absurd speculation of a type that is unrelated to reality. Do you want to say anything?

DR YOUNG: Yes sure. You talk about it being absurd. It may not be sufficient in a criminal court of law where the prosecutor has to prove a  
5 guilt beyond a reasonable doubt but for the purposes of the Commission this is what exists.

Also there is no suspicion from my side that any of these documents are not *bona fide*. That this has very very good informational content for a kind of commission inquiry investigating the Arms Deal and  
10 specifically with one of its terms of references of bribery and corruption.

So you use the term absurd. It is certainly not absurd in the slightest. Maybe this would be absurd if I was the prosecutor and I was trying to sent somebody to jail today. I am not I am just an attendee a summonsed attendee before a commission of inquiry who is adducing  
15 documents which I have.

Which directly point to one of the main legs of its terms of reference. So it is not absurd in the slightest, either that I am using it or that the investigation even took place. The investigation did not just take place in Germany because of spurious allegations by a Thyssen employee.  
20 They came about because of tax issues. That generated a *bona fide* in investigation which generated *bona fide* search and seizures. I think as many as 20 related organisations and premises at the same time.

The Germans do not take that lightly. That must have cost an enormous effort and money so that is not absurd. It is not ridiculous. It  
25 was done. It is not speculation it is fact. It might not be fact, proven fact

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that bribery beyond a reasonable doubt had happened. However is a fact that investigations took place. it is a fact that relevant information to the terms of reference of this Commission was seized. That is not speculation. So you term of just throwing this away as absurd speculation I am afraid needs to be dismissed in an equal fashion.

ADV KUPER: Are you trying to tell the Commission what appears at page 688 is fact?

DR YOUNG: No I am not necessarily saying that it is fact. What I am saying is fact is that these are reports that come out of a investigation. The fact that there was an investigation is fact. The fact that the investigation produced reports is fact. The fact that these reports contained information that is of interest to this Commission is fact. That is what I am saying is fact.

The whole thing about this Commission is not even to find people guilty themselves if there is reasonable *prima facie* or even you know indication of wrong doing then I would have imaged that one of its recommendations is to recommend a proper investigation that is quite late in the day now. Those are all the facts that I am putting before the Commission. I did not even, we have gone through this report 3 in great gleeful detail. I did not even do so.

Not only that I was not allowed to read every single sentence and word into the record. It is because the three reports say what they say on paper. They need to be considered by the Commission. It is not that I need to be torn apart as a cross-examined witness on each and every tiny say content including things like Ma-Africa-Ticoen and its \$2 800

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benefit that it received from Merian Ltd.

ADV KUPER: Yes, Dr Young I thought that when we had started this cross-examination that you had agreed with me that as a self appointed investigator or whistle blower you did have an obligation to ensure that  
5 you would not pass on anything other than what was credible and what was of sufficient quality to justify it being taken into account by a serious judicial Commission.

It is also your failure to meet those standards that I have been putting to you in suggesting that this rubbish which you put before the  
10 Commission as the most credible and important evidence you can give indicate that your judgment is suspect.

DR YOUNG: No sorry. I think my judgment is excellent that I my own view and that is my own opinion. Your opinion are yours. As a lay person who is summons to a Commission he is obligated to produce  
15 what they have. If I had just hidden or not even mentioned this thing to whoever again I think that would have had a more negative value than what you seem to suggest in my production of this for the Commission. It is for the Commission to decide if it has value.

I think it has value for the purposes of the Commission. Just as I said  
20 it is an analogy here lawyers like analogies. I set the GIT report at the end of the day failed in many respects of its key findings. That does not mean to say that every single one of its 384 pages is rubbish. The same way the analogy is there are three documents here. I think amounting to 100 pages.

25 That can seem to contain a lot facts; dates; names; amounts;

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linkages or whatever. Those seem to me according to my judgment call and it is my judgment call as a witness before the Commission or whether the Commission could be interested in that. So that is the basis on which I submitted these documents to the Commission and at least  
5 traversed the first of them in some detail.

ADV KUPER: In a sense I owe the authors of this report or document an apology because of course they have never licensed these reports to be given to the Commission. They have never stood behind these reports as evidence which should be of help or interest to the  
10 Commission. That is all you, is it not?

DR YOUNG: No it is not all me. As I said to you before at least one of these reports was supplied to the South African investigators and as you have regurgitated a number of times it was their wish that from the information that was gleaned in Germany it would be share with South  
15 African investigators.

First of all it is clear that if a crime was committed it was committed in South Africa. That is where the bribery discussions and the agreement took place. It involved South Africans. I am talking about Ma-Africa-Ticoen and those people. I am talking about the directly relevant people.  
20 Those are South Africans happening in South Africa and it was there... the laws in Germany are different to South Africa.

Certain criminal activities are subject to a statute of limitations which was clear in this case. I think that, that statute of limitations kicked in, in Germany at the end of 2008 and that is the reason why they closed  
25 down the investigation in Germany. However they handed over

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everything they knew to the South Africans. That I do know. Well they handed over things, I do not know whether it was everything. Certainly some of this information definitely was. That is why it is relevant to South Africa. It certainly is clear that it was the wish of this investigator  
5 or this team of investigators that it was used further on in time at least.

CHAIRPERSON: Dr Young can you tell us to whom the German Authorities gave documents and information of South Africa. Secondly what do you mean by German investigators. Can we get full details thereof?

10 DR YOUNG: Yes I testified about earlier today was I was shown page of one, one or two pages maybe of one of these reports when I was visited by either Senior Superintendent or Colonel Johan du Plooy of the South African Police Services so I do know that he was in possession of at least one of these reports.

15 The German investigators are the criminal department based in Dusseldorf and as far as I know the chief of that division at least is Detective Chief Inspector Andreas Broens.

CHAIRPERSON: So the German investigators according to you the only thing that they gave to Colonel du Plooy is these three reports or  
20 one of the three reports. Is that the only thing that they gave you?

DR YOUNG: I do not know what else they might have given. All I know is what I saw is that it was one page which looked like many pages within a file. I did not look. It was a file of many dozens of pages. So it was not just one page that they had. So I do know that at least one of  
25 the reports had been given to the South African Authorities.

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Just like their own document said they seem to be communicating with somebody. If I had to speculate who that would be it would be the South African Investigating Authorities in response to a request, the term request is used. So yes it think that explains that response from  
5 me.

ADV KUPER: Why do you say that because it was in the hand of Colonel du Plooy he had received it from the German Dusseldorf Police?

DR YOUNG: Because he told me so.

10 ADV KUPER: I see. He said that I received two or three pages from Germany?

DR YOUNG: No I did not say that at all. I said I saw he asked me to look at one or maybe two pages. I do not know if they were separate pages or what. The whole reason for the meeting was to initiate a  
15 formal investigation based on a complaint, a formal complaint in the form of an affidavit.

So of course he needed to tell me what I needed to be complaining about. It was based on that very subject matter. So he did not share the whole report with me. He did not give me a copy. I was just allowed  
20 to see the subject matter of what I would be involved in and a very serious matter indeed.

ADV KUPER: What you would complain about to whom?

DR YOUNG: You see the way things were is that originally the whole investigation the Arms Deal investigation was conducted by the DSO.  
25 As we know that was closed down. I think in 2007. The DSO was but

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the investigations themselves were not.

It is basically called the Project [indistinct] Project and it had two legs. The BAE leg and the GFC leg of which we are talking about the GFC leg right now. Those investigations were basically handed over from the  
5 National Prosecuting Authority to the South African Police Services in the form of their special investigation division called the Directorate for Priority Crime Investigation.

But was explained to me by Colonel du Plooy was unlike in the days of the Scorpions where they could initiate investigations on their own. In  
10 the police the way that the police systems work is that a complainant actually has to formally initiate an investigation that gets signed off by the investigating director, whomever that might be. So basically he asked me to put in this affidavit to formally reinstate the GFC leg of the Arms Deal investigation but under the auspices of the police rather than  
15 National Prosecuting Authority.

ADV KUPER: Let me see if I understood it. He wants to continue or initiate an investigation and for that he needs a complainant. There is not a complainant so he comes to find you and you immediately say well I will become the complainant and you made a complaint. Is that how it  
20 worked?

DR YOUNG: No you obviously have not been listening to my properly. What I stated before is that it had informally sent emails to the [indistinct] team which consisted of Advocate WJ Downer Sc. Advocate A Steyberg and I think he was senior superintendent at that time Johan  
25 du Plooy at that stage.

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I sent them a number of email and it is entitled a request for investigation. That was going back to I think 2008 or 2007. I think that I have sent those email three or four times. Eventually I actually sent the same email again to the head the National Head of Public Prosecutions.

5 Attention: Billy Downer. As Billy Downer says in her response to be a relevant response is that my request for investigation all had been submitted to Advocate Mche.

So anyway all of those request for an investigation had been done informally. There was the whole [indistinct] of the move from the DSO  
10 to the DPIC. Once all of that got sorted out then they basically took me up on my formal request for investigation and formalised it in terms of a complaint to the South African Police Services which then formally reinitialised a proper investigation which I think is formulised by the Investigating Director of that organisation.

15 ADV KUPER: Why did he have to show you that page or two pages of the report. What purpose was being served by showing you those pages?

DR YOUNG: I am thinking about it now. It is clear because I had alluded to wrongdoing in this GFC leg and he was proving to me that I  
20 was not wasting my time in fact I kind of had an obligation of making this formal complaint. By this stage they had independently been advised by the German that your investigators authorities... that independently they had come up with similar information indicating wrong doing in the GFC leg.

25 ADV KUPER: I want to turn to a document that we received from the

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Commissioner and you will find it at page 745 it is a communication from the Public Prosecutors Office of [indistinct] . Do you have it?

DR YOUNG: Yes I do.

ADV KUPER: You and I think you were in the good company of the  
5 evidence leader both said to the Commission that it should understand that this document was sent to Mr Gessen and therefore presumably applied to him and to him alone. Do you remember that?

DR YOUNG: That is what we deduced from not page 745 but from page 744.

10 ADV KUPER: I think it is appropriate to look at page 745 where the prosecutor sets out various matters that he thinks is of importance in explaining why Mr Gessen's prosecution will not proceed. Tell me was this public prosecutor's office the office you wrote to when you were seeking some form of validation or authority from Germany in regards to  
15 the document?

DR YOUNG: No I cannot remember the word [indistinct] coming up ever before. That word is only come into my mind in the last well week or two.

ADV KUPER: You think you wrote to another prosecutor.

20 DR YOUNG: If you give me an instance I can probably tell you.

ADV KUPER: I do not want to hold up the commission. If you can do this during the luncheon adjournment, can you?

DR YOUNG: I can do lot of things but I prefer to do it now. I can see one email I have sent already to Advocate Medumbi. It is referred to the  
25 office of Public Prosecutor Dusseldorf is responsible for this matter. So

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as far as I know I was dealing with the investigators and prosecutors in Dusseldorf and not in Bugem.

ADV KUPER: Let us now look at what he was saying. He says under the heading, further reasons, do you have the reference page 745?

5 DR YOUNG: Yes, I am actually going to ask at this instance that I given an adequate chance to read this document.

ADV KUPER: Certainly. It is less than a page it should take you a few minutes.

DR YOUNG: I also need a body break, I like what the SABC said that I  
10 was fatigued but every now and again especially when one work through the whole of tea time looking for documents one does need those kind of things. If I may ask for that opportunity and I will read the documents at the same time?

ADV KUPER: We are in the hands of the Chairman.

15 COMMISSION ADJOURNS COMMISSION RESUMES

**RICHARD MICHAEL MOBERLY YOUNG**: (s.u.o.)

ADV KUPER: Thank you, Chair. We have received, during the lunch hour, the emails, to which Dr Young referred. We are just having them copied and will shortly introduce them into the record. But, not to waste  
20 time, I want to deal with a related aspect, concerning the report, as you would call it, from Germany. I am talking of the first one, Dr Young. That is to say, the one that commences at page 661. What I am wishing to know, is the interaction, which you personally had had with the German investigative team, prior to the 13<sup>th</sup> of February 2007.

25 DR YOUNG: Okay. I can remember I, the very first time I

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communicated with him, I think, was telephonic. I phoned Chief Detective Inspector Andreas Bruns. He could kind of understand a little bit. But, he is not an English speaker. He could not understand any of the details. So, he actually asked me to phone him back, a couple

5 hours later, he gave me a time. We are going back a long time now. I think it is, you know, it is probably six, seven, eight years ago. I did phone back and I know that he had, at least one, maybe more colleagues, listening on the speaker phone. They, according to him, were English speaking and, okay, I basically communicated with this

10 small group of people. But, that was the first time. Then, I communicated with him, alone, by email and I think it was half a dozen to a dozen times. What I can remember is on two or three occasions, I passed him information that had become available through the press. Although, it is indicated that I passed him a bank account, but that bank

15 account actually was basically, gotten hold of by, I think, I think it was the Mail and Guardian and what the Mail and Guardian do is, once they have written a story, is they place relevant documents a the website. It is called the Amabhungani, hopefully my pronunciation is correct, website and all I think is I did, I took one or two documents that they had

20 published and I sent them onto him. Because of course, he would not know what is happening at that level in South Africa. On, that was one instance. I cannot remember if there were more. Oh. Ja. I think, I did send him a copy, copies of my organograms, not all of them, but some of them. The only other thing I can remember is, when there were

25 relevant articles, about the GFC leg, in South African newspapers.

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Then I basically just sent them on to him, I copied him. That is what I can remember, was my communication with him. Up until the very end, which was when I tried to communicate with him, actually at the onset of this Commission and basically he declined to be involved with me, on  
5 that regard and referred me to Herr Gotte, from the prosecutor's office. That is, that, from what I can remember is my involvement with him.

ADV KUPER: Yes. I was interested in your involvement, prior to this first document. But, thank you for, for that.

DR YOUNG: Well, that was prior, I think that is what you asked me  
10 and that is what I answered.

ADV KUPER: And what I want to ask you about, is it seems that the informants to this investigative team in Dusseldorf appear, from South Africa to have been yourself and Ms De Lille. Is that right? As far as you know.

15 DR YOUNG: I certainly have provided them some information and I have just read out the thing, regarding Ms De Lille. But, of course, I have got no idea of who their, who the other sources of information are.

ADV KUPER: You see, to a degree, what may be happening here is that you send information to Germany. It appears, in this document and  
20 you then say to the Commission, look how important it is. It is in the German document. Whereas, in fact, all it is, is your information, regurgitated through the Germans and back again.

DR YOUNG: No. No. That is 99.9 per cent incorrect. The amount of information, which I can see emanated from me, is just a miniscule part.  
25 There is the reference to the two things that I have just mentioned. I

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certainly was not capable of finding out all the, I think, these reports, these 40 pages, the first 22, [indistinct] 60, there is about 70 to 80 pages. If the information that I provided covers one half of the page, then that is of what I am aware. The, the vast bulk of it came from either  
5 other sources in South Africa or their own investigations. It certainly did not come from me.

ADV KUPER: Let us look at what we know, came from you and you have obviously read it again, recently, because you have referred to it now, if you will turn to page 684 and you look at the foot of the page,  
10 you will see that:

*“From Richard Young, we received information about one payment from Merian LTD.”*

Now, we have revisited Merian. We know it is the alleged briber to Chippy Shaik, in an amount of 3 million Dollars and here you are, giving  
15 information about one payment from Merian to Pierce, of about 10 000 US Dollars, value date, value, date 30<sup>th</sup> of March 2001 and the money seems to have been transferred from the United Kingdom, to the Reserve Bank, via FNB. Is that right? Did you provide that information?

DR YOUNG: Ja. I was actually just a conduit of information. As I  
20 said, that information came straight out of a Mail and Guardian article and the Mail and Guardian, I see then published the relevant source documents. So, I was just a conduit of information.

ADV KUPER: Did you tell the German investigators that you were  
25 merely a conduit and that this information should be assessed and valued, as if it came not from you, but from a newspaper?

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DR YOUNG: I cannot remember that, the details of that, covering email or whatever. But, I think, I can, at least, remember that the investigative, the documents actually emanated from Germany anyway. I will be, now that I am being asked, now I am applying my mind back  
5 then, is the press report in South Africa, like, there were two that I remember fundamentally and that was the Mail and Guardian one. Then, there was, there might have been three. The Mail and Guardian one, the Sunday Times one and a Carte Blanche one and all of them actually refer to an article, or maybe it was two articles published in De  
10 Spiegel, in Germany. It is absolutely clear, to me, at least that the, well, certainly, everything started off, by, or by what happened in Germany and there were press, media investigators, investigative journalists from De Spiegel, who were close to this investigation. It was them, who first of all, wrote their own stories. I know the journalistic style. What they  
15 like to do is to publish their own story, so they get the scoop. Then it is a big feather in their cap, when other major publications, like the Sunday Times or the Mail and Guardian, it is small, but it has some [indistinct], they publish follow up stories. So, anyway, the point I am trying to make is, is the information that the Mail and Guardian had, did not emanate  
20 from South Africa. It emanated from overseas.

ADV KUPER: So, you are indicating that a German newspaper, De Spiegel somehow gets the information about the one payment. The Mail and Guardian in South Africa repeats it. You act as the conduit, to send it back to Germany and they credit you, as the informant. Is that  
25 the position?

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DR YOUNG: It would seem so, yes, at least, from my perspective. I have got no other knowledge of that, other than I, I, than I was just a conduit.

ADV KUPER: And then it goes on to say that:

5 “Richard Young claims that more payments have been made from Merian LTD to Pierce. But, the abovementioned is the only one he could prove, by presenting a transaction report.”

Now, did you make that claim of more payments, made from Merian LTD?

10 DR YOUNG: Well, I suppose I must have, if they, I do not think that, well, if I said that these people are lying, that would pretty much undermine my evidence, supporting their documents. So, I do not, you know, this is going back a couple of years. I do not quite remember. But, I would take it at face value, if that is what they say, I told them.  
15 Then, that is what I told them.

ADV KUPER: But, did you have any basis, on which to make such a claim, from your own knowledge?

DR YOUNG: All I was doing was say, I think, is paraphrasing or repeating what the articles had said was that there were indications of  
20 other payments and probably, it is relevant, to state at this stage, is that, whatever might be said, in these various South African newspaper stories, they call them. I have had the pleasure, sometimes dubious pleasure of getting to know the authors of these press articles, from the Mail and Guardian, from the Sunday Times from, even from Carte  
25 Blanche. They are not friends of mine, but of course, we have a

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common interest. Sometimes I do find out things from them, that they might not have written in their stories. Because I will say, being frank, these newspapers have a very, especially investigative newspapers, have a kind of a modus operandi, or a principal of modus operandi and it  
5 is called, keep 30 per cent of ones powder dry.

ADV KUPER: Well, I was not asking you about what newspapers do or do not do. I was asking you about the fact that according to this report, you were making the claims and you had been the person, the source, for passing on the payment slip, which you now say, really all  
10 came from De Spiegel, via the Mail and Guardian, via some other paper and sent by you, back to Germany.

DR YOUNG: Absolutely. There is absolutely no way that I could have been the original source of this document, of this information. I just do not have the capability, of doing so. I will be frank, the last time I went  
15 to Germany was in 2000, to discuss an Armsdeal subcontract. I have never been back, since then. Although my sister and brother-in-law live in Germany, I have not been back to Germany. I just do not have the capable, capability of doing those kinds of investigations. Even in this country, I sit in my little office and I can access the world, the same way  
20 as I can do from here, with my cell phone and my computer. I do not have access to people's bank accounts, or anything else like that. I have only got access to what people provided me, either on, on the Amabhungane website, or people, I think, in three or four instances, in my 15 years, have sent me digital storage devices, with relevant  
25 information. That is the sum total of my investigative capability, other

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than what is between my two years.

ADV KUPER: And the report goes on to say:

*“Young also presented statements for one bank account of Chippy Shaik, but no suspicious deposit could be found yet.”*

5 Did you present a statement of a bank account of Chippy Shaik?

DR YOUNG: I think, that is what I said, a couple of minutes ago and I think, the answer to that is, yes. But, again, it is just a statement that, a bank statement that one of those investigative entities had, had come up with, themselves.

10 ADV KUPER: You see, Dr Young, do you accept that if you had told the German investigators that you were merely a conduit and the true source was this or that newspaper, then that would have been faithfully reflected here. Because it must be of importance to the investigator, not only to capture information accurately, but to know what the true source  
15 of the information is, so as to evaluate it. Do you understand that?

DR YOUNG: I understand it, but I do not agree with it. I think, you are making giant leaps of logic here. In fact, giant leaps of logic to, to my detriment. First of all, you make a throw away statement like that, without even giving me an opportunity to possibly go and find the  
20 communication with Andreas Bruns. So, rather, before you leap logically, rather allow me to do that. But, I would say that, that is the first part. The second part, there is no reason that they would report, if there is, sure if this was a final report, going to the national prosecuting authority or either the provincial authority in Germany, to recommend a  
25 prosecution or whatever it is, surely they might have done so. But, this

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is a work in progress report. This is a, keeping colleagues or, or whoever they are, in South Africa, advised of the current status. That is all it is. There is no absolute necessity, as you put it to record all the where for and why for of information that they received from me.

- 5 ADV KUPER: Well, I am glad we seem to be reaching agreement about the preliminary aspect of this document. But, it seems to me, even though it be preliminary and rough, it is just as easy to get it right, as to get it wrong and that, if information is being given, as a conduit from the newspapers, that is what you would expect them to reflect.
- 10 But, if you were indicating your importance to the Germans, as an investigator, then you might well claim for yourself, as the source, that which you were getting from others. Is that what you did?

- DR YOUNG: No. I am not claiming whether it is in a positive or a negative, you know the kudos or whatever they are, of that. All I am
- 15 saying is all I was a conduit of information that was available in South Africa to people in Germany, who were interested in the matter, who might not have had access, certainly not as quickly as I could provide it.

ADV KUPER: You will do us the favour of looking for the emails that you say, I ought to have invited you to produce.

- 20 DR YOUNG: Well, you know, if we, if we are doing the same with the Gotte, the Gotte stuff, then why not with the Bruns stuff as well.

ADV KUPER: Well, would you do so?

DR YOUNG: Yes.

ADV KUPER: Thank you. Then we can move to page 690.

- 25 DR YOUNG: I have that.

ADV KUPER: Whereas, you have told the Commission a few minutes ago, you are again, correctly identified, as the source of the charts, which we find at page 690 in the second last or last paragraph:

*“FBS appears on a chart, from Richard Young.”*

5 Do you see that?

DR YOUNG: That is true and here I am the source. I, I drew that, those charts, organograms myself.

ADV KUPER: That is, or that includes the organogram, which I have called the one, showing the Muslim links and the political struggle links.

10 DR YOUNG: Ja. I call that one the early Corvette leg.

ADV KUPER: So, here, you were passing on, your chart, showing who are Muslim and who are political and who are the struggle, to the German investigation and we find the German investigation adopts and sets out as important, information you are giving them, at the foot of 691  
15 and onto 692. Is that right?

DR YOUNG: Well, without reading it, I would not put it, the importance that highly. It was just a piece of information that they received from me. I do not, I would not say that they, it was that important.

20 ADV KUPER: Chair, with your permission, I would like to circulate the bundle of emails, that we have received from Dr Young. We have paginated them as 747A through to 747 M. You had better assist us, to make things go quicker please, Dr Young. What is the chronological order? Which is the first of the emails, you were sending?

25 DR YOUNG: Well, all the dates are on the emails. My own emails

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always have the date explicitly, explicitly stated. But, I would have thought that the first one is, at least, the first one is correct. In that, it is the email from Andreas Bruns, in response to an email from myself, which does have a date. You can see, the date that he wrote this to me,  
5 and it look like, on about the sixth or seventh line, Friday the 13<sup>th</sup> of January 2012.

ADV KUPER: So, the original email that drew the response from Mr Bruns, is the email at 747B. Is that right?

DR YOUNG: Yes. It is actually starts on the previous page, but the  
10 bulk of it is on 747B.

ADV KUPER: Yes. I want to go through that email, because it is one that you had referred to, in your evidence earlier. You say:

*"Firstly, you will probably know, there has been quite an exiting development in this country, regarding the Armsdeal and in October a  
15 judicial Commission of Inquiry, headed by Judge Seriti, has been appointed to investigate it. The Commission will investigate for two years and then, submit its final report, a year later. Two matters that the Seriti Commission are sure to address are the Thyssen frigate deal and Ferrostaal submarine deal. I am sure to be called, as a witness to the  
20 Commission, as someone, who is linked to these deals and as someone, knowledgeable about the Armsdeal in general. While I do know more than most, about these matters, I would like to know as much as possible. I also wrote the major factual affidavit, for the Constitutional Court, in the matter, which forced the founding of the  
25 Seriti Commission. I submitted this affidavit to the court, on the 17<sup>th</sup> of*

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June 2011. So, it is fairly new. If you are still interested in this matter, I will gladly. Secondly, I was asked by a South African journalist, Mzilikazi wa Afrika, who works for the Sunday Times, whether I had your contact details, because he is investigating Thyssen. He is the author of

5 an original article, about the 34 motor cars from Mickey Hovel of Dassault and particularly about Tony Yengeni. Indeed, that investigation and publication led to the arrest and eventual prosecution of Yengeni. Mzilikazi wa Afrika is one of the best investigative

10 journalists on the continent of Africa and certainly the most fearless. Mzilikazi wa Afrika would like to go to Germany and meet with someone in the Landeskriminalamt, regarding this matter. Thirdly, I have started writing a comprehensive document on the Armsdeal, before I start forgetting the details. I have been busy with this matter for more than

15 12 years and I am now 53 years old. I cannot expect my memory and brain to last forever, this document, which could be used for input to the Seriti Commission as an academic report or as a basis for a book. I would like, at the appropriate time, to meet with foreign parties, who were involved with this matter. But, this is for a later time. I should be very pleased to hear from you, in this regard.”

20 That is the email, to the answer, which we have at 747A that only the public prosecutor, Dusseldorf is responsible, to give information. Is that right?

DR YOUNG: That is correct, yes.

ADV KUPER: So, it is clear that nowhere, in your email, did you

25 indicate, to the recipient that you were in possession of the three

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preliminary documents and that you wish to have their consent or authorisation, to submit it to the Commission.

DR YOUNG: Not in this email, but what it does say, I would like to find out as much as possible. Surely, this, for me, this was just a preliminary email to, to open a channel of communication. Clearly, he closed it straightaway. It was, I did not feel it was appropriate or relevant to proceed with, you know, ventilating the whole issue about those reports.

ADV KUPER: Why it is relevant is because, in your earlier evidence, when asked how could you possibly not tell the German investigators that you were in possession of these reports and you wish to have their permission and authorisation to pass them to the Commission and also their adoption of the correctness of these documents. You responded that you had contact them. But, it does not appear as if that was true.

DR YOUNG: Well, I am afraid it is true. Because you have just said that I testified that I had contacted them. You have just read out my contact email with them. I never said that I contacted them, to ask them whether these reports were either genuine or whether I could use them. I did not say that at all. So, it is completely true that I contacted them. I tried to open a channel of communication. As I have always said before, the German police investigators did not want to have anything to do, with this kind of stuff and just passed me over to the prosecuting people. That is fairly clear. I never said that I asked them for, you know, or even discussed that the, the three German reports.

ADV KUPER: Dr Young, your question, my question and your answer

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is on the record. I do not have to go back to it, other than to say to you that I am afraid, that is the clear indication you gave to the Commission.

DR YOUNG: Sorry. That is completely 100 per cent incorrect.

ADV KUPER: Very well, it then raises the second point, which really is  
5 where we started. How could you not tell the German authorities that you intended to use their reports, as you believed, intended to use them, to the Commission as the most important documents in your evidence?

DR YOUNG: Because this was 2012. I, very, very early days, it is basically three years ago. I did not know what exactly I would be  
10 traversing in my evidence. So, if you are aware of the, I think, it is the last email, between myself and Kate Painting and there was another one, which I think, I refer to in my last session of evidence, is I shared all of this information with her, officially, with the Commission. They, they, her and Advocate Mdumbe visited me in my offices, not long after  
15 this, in 2012. I gave them the contact details of Andreas Bruns, of Herr Gotte. It is all in that, that word perfect table that I handed up to the Commission last time. In this, in this email, I am going to the last one now, I actually refer to, to these communications with the Germans. Of course, nothing ever came out of, as far as I am aware, well, actually,  
20 obviously, well maybe something came out, because the Chairperson has indicated that, that he came into possession of some of these reports himself. But, I certainly, at this stage, my preference would have been to give my knowledge of these reports to the Commission, which I did. Hopefully, they get them, identify the genuineness of them, with all  
25 the other things you have been asking, about authors and whatever

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else. Then, if that had happened, then possibly, the Commission could have provided those reports to me, to use in my evidence. That did not happen. So, years later, like 2015, sorry, 2014 is, I decided, well, if I, the best evidence that is available, is copies here, of these reports. So, there is absolutely nothing wrong that I did, in my decisions, to proceed, the way I did.

ADV KUPER: Can we look, Dr Young, at the email, at 747E? I understand, that it consists of the email response and that you have inserted the questions that were asked. So, it has both the question and the answer. It is an amalgam of two emails. Is that, is that ...[intervene]

DR YOUNG: I think that is correct. Yes.

ADV KUPER: You are now writing to Advocate Gotte and you say to him, thank you for your facsimile, sent to your former colleague. Here comes his answer, which had been:

15 *"In reference to your abovementioned email, I herewith inform you that Mr Martin Fischer, your email was addressed to, is no longer working at the public prosecutor's office Dusseldorf."*

And you say, noted. You say:

20 *"I understand you have taken over this case file from Advocate Fischer. Is this correct?"*

And then comes the answer:

"These preliminary proceedings, to which you refer, in your email, were

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closed, by the 13<sup>th</sup> of January 2008.”

So, do we understand from that, that the Dusseldorf prosecution had come to closure, by June 2008?

DR YOUNG: Possibly, yes. As I have already testified, they were  
5 closed, at some time, in 2008. What you were trying to find out, is how  
were these proceedings closed? Was the investigation abandoned, or  
was there a prosecution for any criminal offence? Was there a plea  
arrangement? And it was to that, to information, as to why the  
preliminary proceedings were closed that you were asked to make a  
10 formal request and you wish to understand, how you would go about  
doing that. Is that right?

DR YOUNG: That is correct. Yes.

ADV KUPER: Did you make a formal request?

DR YOUNG: No. Because the, the understanding that I had,  
15 however, I cannot quite remember is that only a formal request, through  
the authorities, like the Department of Justice or police could actually  
initiate such a formal request.

ADV KUPER: And so, the Commission can simply accept that  
notwithstanding your most important three documents to your evidence,  
20 the preliminary proceedings in Dusseldorf were closed by the 13<sup>th</sup> of  
June 2008.

DR YOUNG: That is correct. Yes.

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ADV KUPER: Now, I want to go back to one aspect of this preliminary report or document, which you attribute to Dusseldorf. I want to do so in detail. Because it has to do with allegations you have made, regarding the supposed bribing, of the Chief of the Navy, Admiral Simpson-  
5 Anderson, somewhat contemptuously, always refer to as Admiral Simple Anderson.

DR YOUNG: Well, I would not say always, but occasionally.

ADV KUPER: And you will find the reference in the first report. Forgive me, I am just looking for the page, 677, under the heading Vice-  
10 Admiral Simpson Anderson. Do you have that, please?

DR YOUNG: Yes. I have got that.

ADV KUPER: As I say, I say, I am going to go through this with you, in detail, because it is another demonstration, of what I have called the rubbish. But, of course, it is transmuted through your witness  
15 statement, into a very serious allegation against a very high official in the Navy. So, I am going to take a little time with it. If you will follow it, it says:

*"I (whoever that is) found evidence that Georgiadis arranged a meeting between Hoenings, Von Nitzsch and Vice Admiral Simpson-  
20 Anderson, in his hotel suite, at the Sandton Sun hotel in Johannesburg, on the 24<sup>th</sup> of January 1996."*

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And we can call that the first statement that this unknown author is making, that there is evidence of a meeting on a certain date, between certain persons. Do you see that?

DR YOUNG: Yes.

5 ADV KUPER: He then says:

*“There are unproven indications that the purpose of the meeting was to establish a bribery agreement with Simpson-Anderson, then CINC of the South African Navy.”*

And of course, as with the Ma Tikkum Africa and the Stonehage  
10 situation, we now see, the unproven indications, on which this author relies. Here is the first of them:

*“During another meeting, in June 1996 Simpson-Anderson complained about Georgiadis’ involvement and stated that he uses to meet people in his office and not outside. That he (we do not know who  
15 is he) is under survey. That the French secret service had been informed about the meeting, at the Sandton Sun hotel, in January 1996 and that he does not need intermediaries. He did not want to see Georgiadis again.”*

Now, let us just assume, for the purpose of this debate that that is  
20 correct that Simpson-Anderson made this complaint about Georgiadis. Let us look at what this author makes of it. He says:

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“Hoening’s to whom Simpson-Anderson made this remark later supposed, in his internal report that this remark was made, as self protection, because other Navy officials had been present, e.g. Kamerman still Captain of the SA Navy at that time, but already involved  
5 in the procurement process.”

So, you understand that this author is interpreting a statement, which is complaining about Georgiadis, as itself an indication, an unproven indication that bribery was discussed. You appreciate that?

DR YOUNG: Yes.

10 ADV KUPER: He then goes on to say:

“As proof for this self protection theory, Hoening’s mentions that Simpson-Anderson had formally asked Georgiadis to his home. In fact, we have indications that Georgiadis and Simpson-Anderson had lunch together, the day, when Georgiadis arranged the January 1996 meeting.  
15 Simpson-Anderson was quoted in Hoening’s handwritten notes, he Georgiadis, does more harm than good.”

So, you will understand how this anonymous author is somehow putting together, what he regards as an unproven indication of the existence of a bribe. Do you see that?

20 DR YOUNG: Yes.

ADV KUPER: He then goes on to say this:

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“In connection with the meetings, between Simpson-Anderson, Hoening and Von Nitzsch in January 1996, Simpson-Anderson’s predecessor as CINC of the South African Navy, retired Vice Admiral Putter, becomes an interesting figure. In October 2000 he sent a written  
5 complainant to B&V stating that of a promised commission of 1 million US Dollars, he only received from Georgiadis, 100 000 Pounds, approximately 600 000 Pounds less than promised. Putter wrote under the letterhead of Contact Management Consultants, Lyttelton. This company, I could not trace.”

10 And then he goes on at the top of page 678:

“In his letter to B&V Putter refers to a meeting in Johannesburg in 1996 at which representatives of B&V and Von Nitsch was a director of B&V. Georgiadis and obviously at least two other persons, including Putter himself, took part. Putter wants B&V to compensate him and put  
15 is in the financial position we were expected to be at the end of this very successful project. The following correspondence in this matter, between Putter and TRT, together with the remark that Simpson-Anderson made in June 1996, about his meeting in Geordiadis hotel suite it seem to suggest that both Simpson-Anderson and Putter were  
20 referring to the same meeting.”

That would mean that Simpson-Anderson had been part of the commission arrangement, arranged, during this meeting. You are following this, let me use the wrong word, logic?

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DR YOUNG: Let us call it, I am following the narrative.

ADV KUPER: But, then, it appears that this author is confronted with self doubt:

*“To me it is still irritating why in the end Putter had been paid only  
5 a small quantity of the promised commission if he or the CMC acted as  
front beneficiary for Simpson-Anderson as the circumstances seem to  
suggest. It seems to be very unlikely that GFC would have dared, not to  
pay the whole amount of a promised commission to Simpson-Anderson,  
if he had been the real beneficiary of the agreement, Putter mentions.”*

10 So, instead then of concluding that this is a false line of speculation, the author then says:

*“Therefore, another arrangement for the payment is most likely.”*

And then, I think, with ingenuity:

*“One possible explanation could be that eventually Simpson-  
15 Anderson had been paid directly by Georgiadis, or by Mallar Inc and that  
Putter only received a small compensation for his service.”*

Now, having then put up and knocked down the skittle and having then put up another skittle, he goes on to say something, which he regards as relevant and important:

20 *“I found out that Putter, during the Apartheid (I am sorry, I have  
left out) it seems that Putter had in fact been corresponding with  
Geordiadis, as he states, in one of letters to B&V. The value of his*

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service has not yet been analysed. I found out that Putter, during the Apartheid regime, allegedly had been involved in a massacre in South Africa, which was claimed to have been carried out by the South African military, but for which the ANC had been blamed. The trail (I take it that  
5 means the trial) against Putter in the end was cancelled.”

I assume that means there was a verdict of not guilty:

“Therefore, despite probably still sufficient and good relations to Navy people Putter for me, seemed not to have been in a position, which would justify a commission, as high as 1 million US Dollars.”

10 And then he says:

“Furthermore, although Putter states he acted as a consultant for GFC, there neither exists a consultancy agreement, between Putter and GFC, nor is it understandable, why Putter reported to Georgiadis and why the commission had been payable, through Georgiadis, whereas  
15 GFC could have deducted any consultancy fee, from their tax obligations.”

Then they say:

“Although all these circumstantial evidences suggest themselves that Simpson-Anderson had been bribed and promised 1 million US  
20 commission, it might be difficult, to find sufficient evidence to proof the bribe. My hope still is that we will find evidence, either at Georgiadis, or Alandis LTD, or Mallar Inc.”

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You followed all this?

DR YOUNG: Yes. I have.

ADV KUPER: Even by your generous standards, do you accept that this is hugely speculative?

5 DR YOUNG: Well, it is, it certainly would be speculative, from a normal lay person. But, a person, who is doing an investigation and has got access to all of this information, I think, if it was that speculative, they would not have addressed it. But, you know, that is, this is a preliminary document. They did abandon the investigation for other  
10 reasons, later. Of course, well, most important in all this lot is that, is your, is your, the final paragraph that you have just written out. Is this investigator, is still fairly sure that this either did happen or could have happened. But, I will say, they were waiting for some co-operation from Georgiadis and Mallar Inc. I think that that did not, that evaporated,  
15 before the statute of limitations came into play.

ADV KUPER: Dr Young, I think it is time for us to ask the question and get a straight answer. Do you accept this is speculative in its terms and in its content?

DR YOUNG: It is just a report. It is not, it is not speculating out of thin  
20 air. It is speculating out of, clearly, this investigator was in possession of evidence. You know, reference to meetings in private suites on a certain day, that, none of that is just made up.

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ADV KUPER: Do you not understand, Dr Young, that we have, what evidence he has, because he sets it out and that any reasonable person, reading this, would say this is entirely speculative?

DR YOUNG: Yes, may yes from the German side but one of their  
5 main things was to pass this investigation over to the South Africans,  
who could have investigated from a completely different angle, bank  
accounts in South Africa and through of course Mallar Incorporated. So  
I am not putting this as highly as court quality evidence but this is not a  
court, this is just the indications not from me, of what existed at the time,  
10 and that is what I believed my obligations were, were to provide this  
report to the Commission. Of course I have only, I have not made any  
strong allegations myself but I think it would have been remiss of me if I  
had only dealt with say the Mallar Incorporated and the 22 million dollar  
bribe and 3 million and completely left this out. My problem was is then  
15 I would be accused of cherry-picking, why did you not address this.  
Why did you just choose that. So I do not remember addressing this in  
substantial detail in my oral evidence two weeks ago, but this is part of  
the report. It is what stands in front of us in black and white.

CHAIRPERSON: Adv Kuper can you please repeat the question,  
20 maybe you might get an answer.

ADV KUPER: Do you accept that this is entirely speculative?

DR YOUNG: No.

ADV KUPER: When we started you accepted that although you  
claimed the position of whistle-blower you had an obligation not to put

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before this Commission, and not to publish matter that was not credible in itself. Do you remember that?

DR YOUNG: More or less.

ADV KUPER: I want to put it to you that no reasonable person could  
5 ever believe that what we have just read about Admiral Simpson-Anderson is credible by any standard.

DR YOUNG: I would disagree with that.

ADV KUPER: And yet you chose to put it in the public domain and to publish this kind of speculative rubbish calculated to injure and perhaps  
10 destroy the reputation of a naval officer who spent a life of distinction in service of this country.

DR YOUNG: No, I did not do it for that reason, it is just because that is what is contained in the report, which I believed I made a judgment call to supply to the Commission, and I did not address this particular matter  
15 in substantial detail as though I was trying to propagate the allegations on my own accord.

ADV KUPER: Are you prepared, in an attempt to at least salvage some of the damage that you have done, to say publically today here and now that you make no allegations whatever against Admiral  
20 Simpson-Anderson and you withdraw unreservedly all that you have put before the Commission concerning him?

DR YOUNG: What I am prepared to state is that I, in my own person, my own name do not make such allegations. What I will say is that what I have put before the Commission is contained in these documents and I  
25 do not believe that it is either pure speculation, and I do not believe that

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it is rubbish. I believe that there is no ways that investigators who had access to those people, those search and seizure, the results of search and seizures would have made such allegations if it was pure rubbish, speculation. Why would they do that? They do not know, they do not  
5 even know this person. They have got no axe to grind against him and neither do I, but it is just what appears in the same document as other allegations with more gravitas than this one.

ADV KUPER: Now I want to show you, since you are not prepared to make an apology or withdraw these statements, what you yourself said  
10 in an attempt to bolster them before this Commission. Will you take your statement please, and turn to paragraph 636.

DR YOUNG: Do you tell me approximately what page is that on?

ADV KUPER: Page 166.

DR YOUNG: What is the paragraph number?

15 ADV KUPER: 636.

DR YOUNG: I have got that.

ADV KUPER: Let us work trough it:

*"While Vice Admiral Robert Simpson-Anderson is on the list of persons of interest to the German investigating authorities regarding the  
20 corvette acquisition, he is also suspected by them of receiving a bribe from Thyssen."*

To what were you referring in order to say that they suspected him of receiving a bribe from Thyssen?

DR YOUNG: This report that we have just been working through.

25 ADV KUPER: Before you made this accusation and attempted to rely

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on the German investigation for support, did you go to the German authorities and say I intend to make what is a very damaging allegation. I intend to base it on the fact that you suspect this, is that still valid? Did you ask them?

5 DR YOUNG: No I did not.

ADV KUPER: You then go on:

*In this regard a memorandum written by a foreign investigator records that they suspected that Chief of the SA Navy, Vice Admiral Robert Simpson-Anderson received a bribery payment through the interlocutory services of one Vice Admiral Andries Putter, a former Chief of the SA Navy."*

See that?

DR YOUNG: Yes I do.

ADV KUPER: Even you, who were prepared to make these accusations by reference to the German report, knew that the German report itself had raised very significant self-doubts as to whether indeed there was any relationship of dishonest between Admiral Putter and Admiral Simpson-Anderson. You knew that did you not?

DR YOUNG: Yes, it is only my responsibility to produce the document into evidence and then justify why I have done so. The document stands for itself.

ADV KUPER: And you did not see it as fitting or necessary to qualify what you are attributing to what the Germans suspected. You did not say but of course they have expressed grave doubts as to whether this could possibility be so.

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DR YOUNG: No I did not, I wanted the documents to stand for itself, and you have to also realise, I think it is relevant at this point, is I have worked with two evidence leaders, two sets of evidence leaders, they fall together, and I cannot remember any of them advising me that I should couch my terminology or my whatever in any other way. So if it had been such dangerous ground as you seem to be suggesting now, then that warning or that indication certainly was not given to me in the preparation of my evidence before this Commission.

ADV KUPER: So again like the website it is not really your fault, this time it is the evidence leaders' fault that you are making reckless accusations?

DR YOUNG: No I did not say that, again you are putting my words in my mouth. All I said is that as you know, as I have stated, I have worked on this stuff myself without my own legal team and I have taken advice from the allocated evidence leaders. And all I am saying, I am not transferring the blame to them, all I am saying is that if this was on such dangerous ground, and also remember that these, at least the two English versions of the reports were discovered in March, beginning of March last year. So they were available to the Commission, available to my evidence leaders. I think both, yes certainly both Adv Skinner and Sibiya, who were my evidence leaders until July, and thereafter my present evidence leaders were aware of these documents having been discovered by me, and my use of them, of putting the text together for my witness statement. And my witness statement is not so much a direct word by word allegation, it is more of a, as I have said an aid

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memoir of me to remind me of what is relevant in the adduced evidence documents. So again not to make my witness statement bald, is I have just used the relevant bits of information that point at the source document, which is the German investigating report. That stands on its  
5 own accord.

ADV KUPER: Let us go on with what you chose to tell the Commission in your statement:

*"While this intrigued me at first ..."*

Namely the fact that the German foreign investigator was recording  
10 he suspected the chief of the navy:

*"While this intrigued me at first I was later advised that this indeed makes logical sense because VAdm Putter was then "working for the French", who were partnered with the Germans to provide the patrol corvette to the SA Navy."*

15 Do you see that?

DR YOUNG: Yes I see that.

ADV KUPER: See that it is being offered as confirmation and support for the fact that the Germans suspect the bribe.

DR YOUNG: Well it just, it does show that you know I did not just take  
20 this information in the German report just completely, you know at face value. You know I canvassed this with people who might know and I think that that shows a kind of a responsibility of, that there are plausible, you know there are plausible grounds of why this may be possible, probable or whatever it is. So I think that is showing a  
25 responsibility and of some degree at least, and not a complete

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irresponsibility of purely regurgitating and unjustifiably possibly amplifying what is in that report.

ADV KUPER: If I understand you, you are saying it was responsible and good that you should now draw a new link, that if someone is  
5 working for the French then it is likely and logical that they would bribe a high official of the South African Navy?

DR YOUNG: No, I do not think I have said that. I think we have gone through this before. What I am saying is my intuition here is that if it is true that Admiral Simpson-Anderson did receive money through this  
10 way, if it is true then he would not have liked to have received it either through the Chippy Shaik, Merian conduit or even through the Mallar Georgiadis. Of course we have just covered that one. So if there was another way of doing it then that would be preferable, and that is why I am saying it does survive at least the plausibility test if not the credibility  
15 test.

ADV KUPER: What you are saying in your very twisted logic is if it is true that he took a bribe then it is plausible he took the bribe in this way?

DR YOUNG: It is plausible, it is not, it is possible, it is plausible.

20 ADV KUPER: And therefore it is plausible he took a bribe.

DR YOUNG: Now you are reversing my logic. I started off my response by saying if it is true that he took a bribe then this might have been a preferable conduit. So please do not reverse my logic by saying because this conduit is plausible therefore he took a bribe. I cannot  
25 remember but I think that there is a Latin term for that kind of logic but

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anyway I will just use an English term and that is called illogic.

ADV KUPER: It is being nonsensical would it not?

DR YOUNG: No it is not that, it is to do with what comes first in the logic. So in my, seeing this is my evidence and my logic, I am saying if  
5 he had to receive money and he did not like the other possibilities then this was a reasonable alternative conduit.

ADV KUPER: Let us go on with the way in which you tried to convince and persuade the Commission that this was a worthwhile thing to investigate:

10 *"Other than the involvement of VAdm Putter, the German investigating authorities' observation regarding Capt Kamerman is, I believe, particularly telling."*

And you quote:

15 *"Hoenings to whom Simpson-Anderson made this remark later supposed in his internal report that this remark was made as self protection because other navy officials had been present, e.g. Kamerman (still Captain of the SAN at that time but already involved in the procurement process."*

20 This is, as I indicated to you, an earlier part of the attempt to make a remark mean exactly the opposite, so you say I am complaining about Georgiadis, that means you have taken a bribe from Georgiadis, and you say this makes it particularly telling. Why does it make it particularly telling?

DR YOUNG: Because, well I have used the terms simple Anderson,  
25 and that it would have been a simple thing to do to discuss any of this in

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the presence of other naval officers, especially the project officer. So again this is not my information, this comes from the Germans, Christof Hoenings. So I am saying again if it is true then I think there is a significance that this other naval officer was not just any other naval officer, it was somebody particularly involved in this corvette acquisition programme.

ADV KUPER: Yes I am just going to go on. For the third reason you want to tell the Commission why this suspicion is well-founded and should be pursued by the Commission, is because it might also explain why Vice Admiral Simpson-Anderson gave untruthful evidence to the JIT public hearings regarding Chippy Shaik's conflict of interest and supposed recusal in respect of the combat suite for the patrol corvette and conventional submarine. So you say what, that the Commission firstly should find he gave untrue evidence but secondly then look for a motive and find the motive in the fact that he had been bribed by Admiral Putter.

DR YOUNG: It is certainly logical and it is certainly plausible, and a fact is, and a fact I adduced a document, I think written by Admiral Simpson-Anderson himself regarding this recusal, you know on the simple black and white, either what he said in a letter or what he said under oath before the [indistinct] was public hearings just was not true. And one of course has to wonder why one would give untruthful evidence. You know is there some kind of pressure to do so. You know why did he find it necessary to support Chippy Shaik regarding this so-called, so anyway the point is here there is some logic and that what is I

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am trying to say in this point 640.

ADV KUPER: Finally the apparent climax of the reasons you have to give to the Commission why the suspicions are well-founded is what is also noteworthy in this German investigation report is the following, and  
5 then you talk of Rear Admiral Kamerman and what you would call the revolving door. Would you like to link that to our Vice Admiral Robert Simpson-Anderson was bribed?

DR YOUNG: Well the only small link there is the fact that he may or may not have been in the same meeting where the payment was  
10 discussed. But that is not the important reason why I have put this particular paragraph where it is. It is just a lead into another theme. So there is no great significance between your supposed linkage between Admiral Simpson-Anderson and Admiral Kamerman.

ADV KUPER: Not my supposed linkage.

15 DR YOUNG: Well you are saying that I am clearly linking. What I am saying is I am not intending to make any specific linkage because that paragraph happened to be juxtaposed.

ADV KUPER: It is also correct is it not, that you made the self-same allegations concerning Vice Admiral Robert Simpson-Anderson in an  
20 affidavit to the Constitutional Court?

DR YOUNG: From my memory serves me probably correctly, I have not gone through that thing but if you say so I will accept that.

ADV KUPER: So this Commission must understand that you have really attacked and vilified Admiral Simpson-Anderson on your website,  
25 in your statement before this Commission and before the Constitutional

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Court.

DR YOUNG: Surely, but they are all for the same purpose, the Constitutional Court was in order to support Terry Crawford-Brown in getting a commission of inquiry. So it is basically all more of the same.

5 They are not you know, completely independent instances of vilification, they are all in the same theme.

ADV KUPER: I want now just to raise another aspect of an earlier topic in order to introduce another one. You remember I had summarised for you, and you regarded this summary as incomplete so  
10 you added to it, the situation between ThyssenKrupp and Mallar and Georgiadis and Merian Ltd UK and Pierce. You remember our discussion about that?

DR YOUNG: Sort of, I cannot remember the details.

ADV KUPER: What I want to know from you is this, let us assume, I  
15 am not saying it is so, I am just, the purpose of my question, hypothesising that Mallar Incorporated and Merian Ltd were regarded by ThyssenKrupp as very close to the political heavyweights in this country. Just make that assumption, and that therefore there was a reason to enter into an agreement with them whereby they would be offered large  
20 amounts of money if the ThyssenKrupp bid turned out successful. Just I want you to assume that thinking on the part of ThyssenKrupp and I want you to assume that conduct on the part of ThyssenKrupp, that they are going to politically influential entities and making it worth the while of those entities if they were to get successful bids. Do you, from where  
25 you sit, regard that as unbecoming conduct?

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DR YOUNG: It is certainly a very strong indicator thereof especially when the company, I am not going to put Merian as close to the, I would not call Chippy Shaik as a, or Ian Elvis Pierce as a political heavyweight but I will just restrict myself to Mallar. But of course it is absolutely true

5 that Tony Georgiadis was very close to FW de Klerk. In fact FW de Klerk married his wife, but he was also, Georgiadis was also close to very high members of the ANC. But in any case if payments were made for that purpose, and they were made through a company like Mallar, which was incorporated in Liberia as a company that was not

10 allowed to do business in Liberia, it could only basically be a conduit for fund, it would be registered and looked like a *bona fide* company but not a trading company, then that is a very, very strong indicator of it being a special purpose vehicle. And so one does not need a special purpose vehicle like that if the objectives of such payments, even to high political

15 figures, are *bona fide*.

ADV KUPER: I do not want you to misunderstand me. I do not want to get into the detail of Mallar or the detail of Merian, what I am asking you is this technique of looking for and finding an entity which the bidder thinks has political connections, and then paying that entity, promising to

20 pay that entity a sum of money if the bid is successful, is that in your view proper conduct or improper conduct for a bidder?

DR YOUNG: It is highly, highly, highly improper and it is one of the bases of the terms of reference of this Commission, is if there was improper influence of the award of the contracts, and in my experience

25 of 30 years of being involved in acquisition, is that there is no necessity

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whatsoever for such political influence. If one is following at least MODAC, the South African Navy and the DoD issue their requirements and then there is a completely *bona fide* transparent process which leads to the selection of the best option, and there is no place  
5 whatsoever in MODAC or MD4/147 for the winning of such contracts, as you put it yourself, through political connectivity and even more so if political connectivity involves funding, paying funds to those companies, and more so if it is done in a covert manner like I am saying happened with Mallar Incorporated.

10 ADV KUPER: I am not asking you to comment on detail, I have been specific, that that relationship of seeking out a politically connected entity and paying it money if the bid succeeds is, as I understand you, a very powerful indicator of improper conduct and very likely the paying of bribes.

15 DR YOUNG: I would agree with that.

ADV KUPER: And therefore if the evidence emerged of any such relationship by any of the bidders you would be saying to the Commission it is the Commission's duty to investigate that because it is improper and indicative of corruption.

20 DR YOUNG: Yes, well I think the terms of reference to the Commission there are on multiple legs but two of them are bribery and corruption, and another one which is related but not the same thing is improper influence. So even if it was not directly, well bribery and corruption are criminal offences, irregular, improper influence on the  
25 award may not be a criminal offence but it is just as relevant to the work

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and the terms of reference of this Commission, improper influence on the award of the contract.

ADV KUPER: Yes thank you, I am happy to have this clear statement of position on your part. And now I want to, with that introduction,  
5 examine the consortium of which you were particularly, that is the consortium between BAE, C2I<sup>2</sup> and Tellumat about which you have given some evidence to this Commission.

DR YOUNG: Okay before I come to that I want to ask the Commission two things, I did not get a chance just to respond on Adv Kuper's last, I  
10 think it obviously was a statement because he did not wait for a question, I would like to respond, say something on that, it will only be quick, but at this stage I also need a break for the same thing. We have been going for quite a while, I am drinking a lot of water and I would like a break just for that, it only needs to be five or ten minutes, but if I may  
15 request that.

CHAIRPERSON: Okay thank you, let us adjourn for ten minutes.

**COMMISSION ADJOURNS**

**COMMISSION RESUMES**

**RICHARD MICHAEL MOBERLY YOUNG**: (s.u.o.)

CROSS-EXAMINATION BY ADV KUPER (CONTINUED): Thank you  
20 Chair. I want you to turn to the cross-examination file 4 and in file 4 turn to page 741 where you will find your RMY66.

CHAIRPERSON: Which page again?

ADV KUPER: Page 741.

DR YOUNG: Chairperson before I requested a break I asked for two  
25 things, one was the break and the other one was just to make an

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observation on the statement which did not seem to have a question. But if I may do so before I move onto, before Adv Kuper moves onto that theme. Okay in respect of the last question, the last part of the theme of specifically payment to foreign companies, special purpose vehicles like

5 Mallar and you know political connectivity, of course I have taken a cue from previous discussions or previous evidence before this Commission, and I would just like to, just to read two or three quick sentences from the Department of Defence on its attitude or its view regarding these very same things, and I would like to say that, and the context is that I

10 have tried too, to the best of my ability to, you know to do more or less the same. Anyway it is cross-examination of Dr Woods by Adv Jennifer Cane, who is Adv Kuper's colleague here. Obviously he was not here so he might not have heard this before but anyway she says:

15 *"Thank you Chair. Dr Woods I represent the Department of affairs ..."*

I am sure she said the right word of the Department of Defence.

*"I have understood that the main thrust of your evidence yesterday was a point you made, and I took it down. You said that your point is that dubious money was paid by arms dealers. Now in relation to that*

20 *let met first be placed on record that if any amounts of money were paid in connection with the arms deal that should not have been paid to any individual. The Department of Affairs (Department of Defence) with you would also want appropriate action taken against that individual if there were any real evidence of such conduct."*

25 Okay so basically when it comes to whether it is Chippy Shaik or

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Merian or Mallar or anybody else, even Admiral Simpson-Anderson is, I think it is my duty, is that if anybody received undue payment at all then it is my duty to put that, the knowledge of that before the Commission. And it is the Commission's duty to determine whether or not that  
5 evidence has value or otherwise.

ADV KUPER: Would you turn Dr Young, to page 741,.

DR YOUNG: I have that.

ADV KUPER: That document was handed in by you to the commission, and because we were interested in what that document  
10 had to say, and because we knew there were other meetings of Advanced Systems Management, we asked you to provide them, and is it correct that you then provided us with two further sets of minutes, the one is now to be found at 772 and the other to be found at 774?

DR YOUNG: Yes I accept that.

15 ADV KUPER: Now will you go back to 741.

DR YOUNG: I have it.

ADV KUPER: This is or purports to be a minute of a meeting of the members in Advanced Systems Management who appeared to be BAE, C<sup>2</sup>I<sup>2</sup>, ST and Atlas and Tellumat. Is this in fact such a meeting and were  
20 they the members?

DR YOUNG: Yes except for ST and Atlas was not represented at this meeting as far as I can see.

ADV KUPER: And the purpose of the meeting was the implementation and organisation of a new consortium that would bid for aspects of the  
25 corvette contracts is that right?

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DR YOUNG: Yes, the combat suite specifically.

ADV KUPER: And it was very necessary that so important a bid was made by a consortium that was organised and had done the preparation, and hence there was a need for meetings of this sort to be held and to be minuted?  
5

DR YOUNG: correct.

ADV KUPER: And you were personally present at this meeting reflected at 741.

DR YOUNG: I was yes.

10 ADV KUPER: There is quite a lot of material that I shall be wanting to ask you questions about but for the moment let me confine myself to this question of recruiting entities because they have a political connection and to whom money is then offered. Will you refer please to paragraph 6 of this minute where you will see a reference to Atlantis Consulting, do  
15 you have it?

DR YOUNG: Yes I do.

ADV KUPER: Who were the personalities who were Atlantis Consulting?

DR YOUNG: From what I remember the controlling minds were  
20 Gordon Blackbeard and Brian Blackbeard.

ADV KUPER: And who was Gordon Blackbeard?

DR YOUNG: Gordon Blackbeard had previously been a director of a Roynat defence company, marketing director I think it was. I believe ex navy. I am not quite sure what rank but sort of Lieutenant-Commander  
25 rank, and his brother Brian, younger, had been in the navy, rank of

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commander and had resigned several years before, and they had formed Atlantis Consulting.

ADV KUPER: According to this minute all parties, which of course would have included you, felt that because of Atlantis Consulting's high political involvement and excellent intelligence, this company should be  
5 involved in the activities of ASM. Would you tell the commission the nature of the high political involvement attributed to Atlantis Consulting?

DR YOUNG: I certainly was not aware of you know the exact nature of it, in fact I still know those people today, and I am not aware of high  
10 political, I am talking about you know at the high levels of ministers and things, I am not aware of that at all. I think possibility, well I can certainly remember, and this is going back quite a while 1998, is that maybe the term high does not mean to say in terms of high in the whole political hierarchy but more a volume rather than the level.

15 ADV KUPER: I do not understand, would you mind just explaining what you are saying?

DR YOUNG: Okay I am talking about as far as I know that the Blackbeards and Atlantis had no connectivity or political involvement at the level of presidents and deputy presidents and ministers, something  
20 like that. I think what they could have had was more a lot of involvement with lower level people but more a lot of, that is volume rather than high level. That is the point I was trying to make.

CHAIRPERSON: I am sorry Dr Young, this 6.1 says that all parties felt that because of Atlantis Consulting's high political involvement, you were  
25 a party at that meeting, what does that mean?

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DR YOUNG: You know things get said at meetings between various parties. I can tell you that at this stage the whole interaction between BAE defence and Tellumat was far, far, far greater than ours. We were more, we were participants. But to be honest I cannot remember exactly  
5 first of all what this was about and you know this is a kind of a generic thing, it is not where each party to a meeting is asked do you concur or not concur. So this is the kind of thing that it gets discussed in a meeting, two or three hours or whatever it is, and then the minutes appear and you know one does not bother about this kind of stuff. So I  
10 honestly cannot say I really, really know what this was about.

ADV KUPER: But Dr Young firstly I would suggest to you the words are perfectly simple, perfectly straightforward and we all know what it means.

DR YOUNG: No we do not. Well in fact if you know what it means  
15 please tell me what it means because I do not.

CHAIRPERSON: Just hold on Adv Kuper, can I go back to Dr Young. Dr Young high political involvement what does it mean? You were there at that meeting. You tell us, we were not there. What does that mean?

DR YOUNG: Okay certainly it does not mean, because that was  
20 certainly not discussed, in my memory, that we have political connectivity at decision-makers, at the, you know sort of the ministerial level. In fact what I can remember, not from this meeting but the general theme of things is that one of Blackbeards at least had a line of communication with Ntsiki Mashimbye, of course he is a political person.  
25 He was an MP and it is in that context. I certainly would not put Ntsiki

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Mashimbye as a high political level, but otherwise my knowledge of high political does not go much further than that. This is not something that one is of such crucial importance that one remembers, I cannot even actually remember this meeting happening. I can certainly say that  
5 there are minutes of it but this does not mean anything to me. You know it certainly has never been my understanding that Atlantis Consulting has connectivity at a high political level.

CHAIRPERSON: Adv Kuper let us get onto the next question, you are not likely to get an answer to this question.

10 ADV KUPER: You see Dr Young the response that one would assume you would have to make if you saw such a thing in a minute, is to say this is improper. I am not prepared to be part of it and I absolutely repudiate being involved in making contracts with political entities which are highly placed or indeed have a high volume. And I am interested to  
15 know why you did not object?

DR YOUNG: Well I think you are saying a couple of things there which are definitely not my evidence, is that the only reference was to a contract with Atlantis Consulting and not other parties. Of course there is absolutely nothing untoward, I can assure you, that was discussed in  
20 this meeting regarding untoward, undue influence at all. So it does not indicate that and I do not remember it. And seeing I was the party there then nobody can second-guess what I am telling you now.

ADV KUPER: Then of course it does not stop there, it moves on to discuss the fee to be paid to Atlantis, and if I read it correctly the fee  
25 involves a monthly retainer and then a success fee of .05% of the ASM

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contract value is that right?

DR YOUNG: Yes if you say so I will accept that.

ADV KUPER: No, no, you were there, I was not. I am asking you if what this minute records is correct, namely ...[intervened]

5 DR YOUNG: Well please just take me to the correct paragraph so I can look at it.

ADV KUPER: It is still paragraph 6 but this time it is paragraph 6.1 and 6.2.

DR YOUNG: Okay I did not look at the table here. Okay I accept that,  
10 it is in front of me, that is what it says, that is what it records.

ADV KUPER: So that on the face of it Dr Young, we have in your consortium exactly the practice which you have told the commission a few minutes ago was highly improper and which was a strong indication that bribery was involved.

15 DR YOUNG: Nothing, your logic is completely incorrect regarding the proposition you put to me regarding Mallar and payments of a large amounts of money like 22 million dollars through a Liberian company are completely 100% different to what was being discussed regarding the employment of Atlantis Consulting as consultants. They are completely,  
20 completely different things.

ADV KUPER: Why?

DR YOUNG: Because there was no payment for a company, for another company, there was only referred to a payment for a company which is on the record for Atlantis, of R30 000. That is basically for the  
25 work that they were doing. This is nothing like to do with 22 million

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dollar payments. So it is absolutely normal for foreign companies to have you know, to use the services of in-country people and to pay them for their *bona fide* expenses and work and time, and this is very, very small potatoes of money and there is no indication whatsoever that it is  
5 either *mala fides* or that it has got anything similar to do with the analogous situation which you set out regarding Mallar Incorporated, they are completely different.

ADV KUPER: And let us go on for a moment Dr Young, if you look at the next page 742:

10 *"The above fees are subject to clarification of Atlantis Consulting's involvement with ADS, FBS and N."*

Now do I appreciate from that that you and the others who wanted to employ Atlantis Consulting, high political connections, were worried that perhaps they had already sold their loyalty to others and you wanted to  
15 clarify that, is that what it is about?

DR YOUNG: I think, I said I was not, I might have been there but this is not discussions initiated by me so I cannot remember this. But I think on the face of it is that this is just to ensure that there were not any conflicts of interest.

20 ADV KUPER: Now the next point is that an appropriate contract including nondisclosure agreements and fidelity clauses. Now as far as I know a nondisclosure agreement is where the parties promise each other that they will not disclose the contents of the agreement to anyone is that right?

25 DR YOUNG: Maybe in your world but not in my world. In our world

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when parties like this are agreeing to interact it is absolutely standard to have a nondisclosure agreement. It has got nothing to do with opaqueness of lack of transparency. It is just a standard thing in our industry. I am involved in these two projects, Project Hotel, Project Biro  
5 at the moment, and every single party, whether it is a higher level party or a lower party wants a nondisclosure agreement, it has got nothing to do with anything incorrect.

ADV KUPER: But am I not right, a nondisclosure agreement is an agreement not to disclose?

10 DR YOUNG: A nondisclosure agreement is not to disclose, more often than not in my world at least, is technical information or competitive information. So in this particular context if ASM was discussing the technicalities of their bid and how they are going to put a combat suite together, that it can be conformant or something different, then the  
15 nondisclosure agreement would prevent a party like Atlantis Consulting ...[intervened]

CHAIRPERSON: Dr Young please answer the question, nondisclosure agreement is an agreement not to disclose certain information. Why is it so difficult for you to explain it? A nondisclosure agreement is an  
20 agreement not to disclose, is that correct or not?

DR YOUNG: It is not just as simple as that, it is normally information of a commercial or business or technical information, it has got nothing to do with hiding political connections or anything like that. In my view, my 30 years of experience there is nothing untoward about having a non,  
25 the say it is being put ...[intervened]

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CHAIRPERSON: Dr Young nobody said that it is wrong to have a nondisclosure agreement, the question is a nondisclosure agreement is an agreement not to disclose certain information.

DR YOUNG: Thank you, I think you have correctly put it there, there is  
5 nothing wrong with having it.

ADV KUPER: And so we have, on the face of it, an agreement for high political involvement involving a success fee and a nondisclosure clause. Is that starting to amount to anything in your mind Dr Young?

DR YOUNG: Not at all.

10 ADV KUPER: But there was a problem, and we see the problem in  
6.4:

*"The above fees replace any of those in respect of the surface combat suite opportunity that may already be in place with ASM member companies."*

15 Dr Young do you now which member company already had a deal going with this company Atlantis Consulting?

DR YOUNG: I am working completely from memory but I do know that my company employed Brian Blackbeard in his own, as a marketing consultant, and that is the only thing I can remember. If there were  
20 similar ones with Tellumat or whatever, I do not know about them. In fact I remember the reason for this now that I think that the people just wanted to make sure that the Blackbeards and Atlantis Consulting were not double-dipping of getting a consultancy with the company ASM as well as its constitute members. There is nothing more to it than that.

25 ADV KUPER: And indeed if you turn to 767 you have what is there

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called post meeting notes, the first of which is C<sup>2</sup>I<sup>2</sup> Systems, Atlantis Consulting link. Both companies have signed an MOU, in which Atlantis Consulting will be remunerated partially for marketing information supplied on a man hour and materials basis, and partially on  
5 commission on C<sup>2</sup>I<sup>2</sup> Systems receiving an order. Can you tell us what that agreement was about?

DR YOUNG: Well I think at this stage, well from what I can remember is that we already had Brian Blackbeard working for us in a marketing capacity and because of that you know, he was also being proposed to  
10 do the same thing more or less for the grouping of the ASM group. So it is just basically an extension of that, to what he was already doing for the company in its own, you know in its own capacity.

ADV KUPER: Tell me insofar as this is referred to here as remuneration for marketing information, what marketing information was  
15 being supplied to C<sup>2</sup>I<sup>2</sup>?

DR YOUNG: You know in the marketing consultant for the company C<sup>2</sup>I<sup>2</sup> he was basically keeping a watching brief on developments on different projects, on basically what is heard in the marketplace, being an ex navy, you know he had lines of communication. And just to give  
20 you one example, probably the most important example, we have talked about the contract that we received from ST and Atlas for the software of the submarine, and it was, well ST and Atlas was in contact with Atlantis before they were with us, and in fact it was Atlantis who brought ST and Atlas' marketing director I think he was, I have forgotten his name now,  
25 to us. Because Atlantis I think was a two-man show there. They had no

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technical capacity such as we did, software and hardware development, and so when ST and Atlas did not know of companies like us available to do the DIP they were in contact with Atlantis, and Atlantis brought them to our offices, and we then proceeded to get a contract from ST  
5 and Atlas. And from what I remember the way the remuneration worked, and again there is nothing untoward about paying that kind of commission, is that you do not, normally you do not just pay people purely a high retainer or an amount because otherwise they take no risk. But the harder they work the more probability of success, and that their  
10 remuneration is based partly on a small amount of money, paying for effort, man hours and their expenses. But the other part is in terms of a very small percentage commission like you know 1 or 2% or so.

ADV KUPER: So the point about marketing information is that the company Atlantis Consulting can open up useful doors?

15 DR YOUNG: I would say it is more the other way around, not opening up doors for us but it is more opening up doors to us.

ADV KUPER: And the doors include the doors ...[intervened]

CHAIRPERSON: Just hold on. Dr Young says it is more for opening doors for you and not, I missed the last word?

20 DR YOUNG: It is more opening up doors to us, like overseas companies looking for South African partners for DIP rather than opening up doors for us, like political connectivity. I cannot remember any single instance of that ever. There were just a couple of instances, in fact that might have only been the one that I have just mentioned, the  
25 ST and Atlas one. So it is more opening up the conduit from an

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overseas company looking for a South African partner.

ADV KUPER: But they could open up doors to the navy, they were well connected with the South African Navy. They had lots of friends, acquaintances and ex comrades in the South African Navy. It was not  
5 part of their job to open up doors into the South African Navy?

DR YOUNG: No not really, seeing I know this, is that the two Blackbeards would not have got anywhere whatsoever trying to open up doors into Project Sitron.

ADV KUPER: I see. Now it is not only in, oh I am terribly sorry, you  
10 had a memorandum of understanding with Atlantis Consultants it appears?

DR YOUNG: Yes, whether it was a MOU or a consultancy agreement but there was something.

ADV KUPER: I am sure it will be of great benefit to buttressing your  
15 evidence if that MOU could be made available to the commission. Is that possible?

DR YOUNG: It is possible, yes.

ADV KUPER: And will you provide it please?

DR YOUNG: I will look for it. I certainly do not have that here.

20 ADV KUPER: Can I then go back to the self-same minute at 741 because there appear to me to be two other further instances of political involvement being of importance to this consortium of which you were a member. The first one is at 1.4.

*"Richard Charter would like to be kept informed so that he can provide  
25 appropriate political support."*

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Would you like to explain that one?

DR YOUNG: I can only address that as far as that is what the minute says and that is what it says as far as Richard Charter is concerned. I have got absolutely no idea what that means, appropriate political  
5 support. But of course there are various levels of political support, there is also political support within one's own organisation, and here I would imagine that he is talking about the support from not Osprey Aviation but from BAE Systems of British Aerospace.

CHAIRPERSON: Just hold on Dr Young, you say political support from  
10 BAE, what does that mean?

DR YOUNG: Well ...[intervened]

CHAIRPERSON: I never thought that BAE was a political organisation.

DR YOUNG: Loose colloquial type of talk in our industry is that one needs, often needs not so much technical support and financial support  
15 from various organisations, it is a commonly used term that, especially in a complex situation like was developing with the aircraft and the corvette combat suite, is that, and the only thing I do know is that BAE were pitching for the lift and the alpha aircraft. And there were indications that also wanting to be involved in a corvette might not be appropriate. But I  
20 would of course have no idea whatsoever whether Richard Charter would get that information from higher up within the British Aerospace organisation, what we would call political support or in political parties. I have got certainly no indication whatsoever that we were engaging with Richard Charter. In fact I only met Richard Charter probably two years  
25 later. This was outside, completely outside of my sphere of involvement.

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ADV KUPER: Forgive me but is Richard Charter not a gentleman repeatedly denounced by you as having been directly involved in bribery on behalf of BAE?

DR YOUNG: Yes, we found that out many, many years later.

5 ADV KUPER: And that was not internal corporate, that was political was it not?

DR YOUNG: We are talking about chronology and context of time here. At this stage in 1998 when this was discussed that was not in the scheme of things whatsoever. The political or the bribery or whatever  
10 you are talking about, that only, I think that only came out many, many years later. I am talking about in the, you know the 2000s. So it had no relevance to what was being addressed here.

ADV KUPER: And can we look for a moment at 8.3 where the consortium members are talking about their organisation, and at 8.3 they  
15 are contemplating an additional position, again of a marketing manager Pretoria, John Gower. Close to the political powerbase and the customer for intelligence. What political powerbase was John Gower close to?

DR YOUNG: John Gower was also an ex navy, but by this stage he  
20 was an employee of Tellumat, not in the Cape Town branch, in the Pretoria branch, and they were only talking about basically having him on board the project. I know nothing more than that.

ADV KUPER: So that you would say, I think again for the third time, that where there is an explicit reference to political connectivity in this  
25 minute, here close to the political powerbase you just have no idea of

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what was being talked about?

DR YOUNG: Certainly I have got absolutely no idea of anything being talked about that was untoward or *mala fides* or involved, irregularity or bribery and corruption, zero, nothing whatsoever.

5 ADV KUPER: It is my duty Dr Young to put to you, because I am going to put it to the commission that your evidence is simply not credible, in short that you are lying, and that you know perfectly well, you knew perfectly well who Richard Charter was and what political support he could offer. You knew exactly that Atlantis Consultant had some high  
10 political involvement and you were prepared to, and indeed had already entered into a contract with them for that purpose, and you were going to hire a marketing manager whose qualification was that he was close to the political powerbase, and that your excuses and pretention of ignorance are just false.

15 DR YOUNG: You are talking complete and utter nonsense now. You have got no basis on make that allegation or that accusation. I had no knowledge or involvement in any of that kind of stuff whatsoever. The fact that I sat there in meetings were most of the stuff was actually being discussed between Tellumat and BAE does not indicate that I knew  
20 about it, and I am certainly not lying, and I take a very, very serious dim view of that. You are actually lying yourself when you say I am lying. You have no proof of that whatsoever. There is nothing in these documents before us that show I am lying, and so if you say I am lying you are actually the liar.

25 ADV KUPER: I see I am provoking that kind of response which seems

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to typify your attitude to anyone who crosses your path.

DR YOUNG: When people call me a liar to my face that provokes an appropriate response like I have just, it makes me angry and I am entitled to be angry because it is unjustified. You are cross-examining  
5 me on something that happened in 1998. I have got no recollection, and what my recollection is that there was nothing untoward but you are trying to put in my mouth, put in the commission's eyes that there was something highly untoward here, and it is simply not true.

ADV KUPER: And Dr Young all that I am doing, not that it requires an  
10 explanation, is putting to you what appears from the minutes at which you were present, and can I add to that that there was a practice in this ASM at the next meeting, to go back and to deal with the minutes of the previous meeting and to make corrections if they were needed. And if we go to 774 we see that practice as against item 1, and that was the  
15 practice was it not?

DR YOUNG: Well that is kind of standard practice in any formal meetings.

ADV KUPER: And you never corrected any of these statements in the minute at RMY66 which are so suggestive of political connectivity.

20 DR YOUNG: Well as I said they might have been suggestive to you now but they are not in actual fact, to my knowledge, suggestive of anything untoward at a political level for the award of any contracts.

ADV KUPER: I now want to deal with another aspect of Advanced Systems Management. It was competing for what bid?

25 DR YOUNG: It was interested in competing for the corvette combat

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suite.

ADV KUPER: And were the members of this consortium in a position to supply a combat suite alternative to that which ADS was going to supply?

5 DR YOUNG: Very much so.

ADV KUPER: And ADS I take it, had been identified as the nominated or candidate supplier of the combat suite.

DR YOUNG: Yes, Altech Defence Systems was by this stage of December 98, Thomson had already bought 50% of Altech Defence  
10 Systems. In fact Altech changed its name to African Defence Systems. So while it might be true that in its original Altech owned form Altech Defence Systems was the nominated contractor, that was no longer an absolute fact by the time Thomson first of all bought 50% in April 98 and the balance in March 1999.

15 ADV KUPER: I am sorry why was it not still an absolute fact?

DR YOUNG: Well we have even seen, I think even the minutes of these meetings where there are, well that even Chippy Shaik was acknowledging that there was going to be competition for their combat suite. He is one person who is saying that. I have adduced evidence  
20 before in my previous session here that even the Armscor had, well not had but did request alternative sources of supply for the combat suite. These documents, these ASM documents refer to the chief of the navy, of being happy that there would be competition. But certainly at this stage the fact that it was no longer Altech Defence Systems, and the  
25 combat management system that it had been offering, being the Project

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Diamant action information system and the Project Diamant weapon control unit were no longer being offered by them or by the combination of Thompson, and so that nomination would, that absolute nomination would clearly no longer be applicable.

5 ADV KUPER: Can I break that answer into two parts, you rightly refer to many senior persons in the navy welcoming the idea of competition in this bid, and it would seem absolutely unconcerned by any supposed nomination arrangement is that not so?

DR YOUNG: Well only, they were not concerned about the nomination  
10 arrangement because the geopolitical situation, I am using that in a colloquial way, had changed so substantially from when those nominations were first made or documented in September 97, to the current state of play as they were in December 1998. That is why they were not concerned, because they no longer were valid.

15 ADV KUPER: I want you to show me a reference in any of the documents, to any of the persons you have mentioned, saying that although they are nominated or candidate their position will be ignored because a foreigner has bought shares in them. Can I show me anything like that?

20 DR YOUNG: I can certainly remember something very similar, that in fact the document I am referring to, which refers to Chippy Shaik says you know more or less that. ADS is no longer guaranteed. So certainly, and that is not only a discovered do but is a document that was traversed in my previous evidence. That is one example.

25 ADV KUPER: You have not got it immediately to hand, otherwise we

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can look for it and we will raise it with you.

DR YOUNG: No, I do not have every single of my 1 200 odd documents at hand. I have got them at my fingertips but it takes a little bit of while to find them.

5 ADV KUPER: Anyway we will look for that. Because you see what does appear is that the weight that you seek to put upon the status of what you call a nominated contractor, simply did not exist, and was never recognised or acknowledged, whether it be in the favour of ADS, whether it be in the favour of C<sup>2</sup>I<sup>2</sup> or whether it be in the favour of any of  
10 those suppliers who were listed as candidate suppliers. It was never regarded as a commitment of a contractual nature to those persons, and that is why everyone welcomed the competition. There was nothing to stop competition.

DR YOUNG: No they were not welcoming competition at the  
15 subsystem level, they were welcoming competition at the system level, the combat suite level.

ADV KUPER: And is it not so that if your consortium, the Advanced Systems Management consortium won the day, then all those sub suppliers to ADS would be replaced by sub suppliers available to BAE,  
20 to ST and Atlas and to Tellumat.

DR YOUNG: Not at all, I have traversed that as well, is the document specifically to the presentations both to the German frigate consortium and to then Captain Coleman himself, on the 16<sup>th</sup> of December 1998, specifically says that every single aspect of the South African combat  
25 system will be retained, the architecture, all the companies involved,

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very single aspect would be retained except for one thing, there would be effectively a replacement of the Thomson ADS combat management system that the French won, the Tavitac, with the British Aerospace combat management system but really engineered using, this is why we  
5 were involved, because of our IMS, our database when we reengineered to use our technology, our system as well as the architecture which that defined.

ADV KUPER: So what was on the table was a combat suite effectively English in character as opposed to a combat suite effectively French in  
10 character, and in respect of either of which there would be the problem of integrating any South African subsystem to work in either of those systems. Is that what the navy was faced with?

DR YOUNG: Well I would not put it that way, that that is the problem that they were faced with. That is the reality that existed. It was, as you  
15 say a French orientated system or a British one, that was as simple as that.

ADV KUPER: And you were, you thought, in the happy position of being involved whichever contract was granted?

DR YOUNG: Well seeing that our IMS was stipulated in the element  
20 costing and description and the user requirement specification for the combat suite, and the platform requirement specification then the answer is yes.

ADV KUPER: Thank you, I want to pursue another aspect of this matter before I go back to the IMS, and the aspect that I want to pursue  
25 is the evidence you gave about the sudden and dramatic withdrawal of

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BAE from the consortium. You remember your evidence?

DR YOUNG: Yes I do.

ADV KUPER: Would I be correct in saying that what you conveyed was a dramatic, surprising withdrawal at the last moment, notification of  
5 which had left the recipient, I forget the gentleman's name, as white as a sheet by virtue of the fact that it was so surprising and so destructive of the consortium?

DR YOUNG: That is correct yes.

ADV KUPER: Well I want to track that because I think the minutes  
10 again tell a somewhat different story. Will you go to page 772.

DR YOUNG: I have that.

ADV KUPER: It is where we have a meeting on the 7<sup>th</sup> of January between the members of the consortium, and there is a statement of BAE's position, which you will find in paragraph 2. Do you see that?

15 DR YOUNG: Yes I can see that.

ADV KUPER: In 2.3 it says:

*"BAE (ANF) ..."*

And that would be a reference to Mr Nicholson Florence:

*"... stated that his business was key, core business to BAE and is  
20 regarded as strategic, must win."*

But then in 2.4 it says:

*"The SA situation was, however, under review and a meeting will be held in the UK on the 13<sup>th</sup> January 1999.*

*2.5 BAE PLC in South Africa are sensitive to the situation due to the  
25 R11 million aircraft deal, and as a result BAE Defence do not want to*

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*overtly declare their association with ASM. BAE need to establish whether they are being used by Blom and Vos to sharpen the Thomson ADS bid. BAE are aware and expressed concerns that the political situation would result in the supply of French equipment."*

5 Now is that an accurate record of what was said by BAE as to its position?

DR YOUNG: I think so yes.

ADV KUPER: So it was known that BAE, on its own initiative was deciding whether to join the consortium or whether by reason of its  
10 successful R11 million bid it would not wish overtly to be declared associated with ASM?

DR YOUNG: That is not correct. It was BAE, sorry not that the minutes are incorrect, is your interpretation thereof is incorrect. BAeSema initiated this whole thing many, many months if not even a  
15 year before and they formed an association with Tellumat. There is a, whether it was adduced into evidence I do not know but there is a documentary record showing that, and specifically where they invite C<sup>2</sup>I<sup>2</sup> to join them. So that association already had existed. To be honest this, whatever BAE Defence Systems was putting on the table here, on  
20 the 7<sup>th</sup> of January was actually pretty much a major surprise to us, mainly to C<sup>2</sup>I<sup>2</sup> because of course we had more to lose than Tellumat. I do not think Tellumat had anything to lose, but certainly they were surprised as well. And as you can see why, one of the reasons why I was surprised is that BAE again declare this as a strategic must win,  
25 and this is not the first time that they had stated so, there are other

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references to it, and this is something that kind of was being told to us all the time. Do not worry this is absolutely relevant to our business, we cannot guarantee we will win but at least we will compete, and it was a very huge shock that they put this on the table at this extremely late  
5 stage. When they had this meeting, you have referred to the 13<sup>th</sup> of January, I think it was the very, very next day was the submission date for this offer to the German frigate consortium.

ADV KUPER: Can I go on, it is BAE PLC who are indicating the question of doubting the wisdom of whether to remain associated with  
10 the consortium or not, and in consequence of that, in paragraph 3 you respond, you say:

*"Although they ..."*

Meaning C<sup>2</sup>I<sup>2</sup>

*"... are committed to the bid it will only be successful with BAE."*

15 Then you say:

*"A letter signed by Robin Southwell stating BAE's irrevocable support and commitment as promised previously, is required by the 8<sup>th</sup> of January 1999."*

The next day is that right?

20 DR YOUNG: That is correct yes.

ADV KUPER: So you immediately demanded that they put up or shut up.

DR YOUNG: Yes, well only in the context that they had been promising this for, if not several weeks, for several months.

25 ADV KUPER: And you knew perfectly well that there would be a

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meeting and that they would finally make up their mind whether they wanted to be in or out at that meeting on the 13<sup>th</sup> of January.

DR YOUNG: Yes, it was only advised to us at this meeting on the 7<sup>th</sup>.

ADV KUPER: So the decision, when it came on the 14<sup>th</sup> of January did  
5 not come out of the blue, it had been expected for more than a week,  
and indeed had been precipitated by your demand that they commit one  
way or the other.

DR YOUNG: No, not at all, you have got it wrong completely there.  
First of all it was the 13<sup>th</sup> and not the 14<sup>th</sup>, secondly it came out, came  
10 after the meeting on the 13<sup>th</sup> and it came as a huge surprise to all of us.  
The person who was shocked was Andrew Scott I think they call him,  
the bid manager. I have never seen a person so white and so shocked  
in my whole life as that I saw him walk out of his office with the fax in his  
hand, and it came to them as a huge shock, and it came to me as even  
15 a bigger shock. So maybe we could have anticipated but only for a  
period of a week.

ADV KUPER: And will you go to 816 and identify this as the letter in  
which BAE Defence Systems elected to go out.

DR YOUNG: That is correct yes.

20 ADV KUPER: Give three reasons, they say they reviewed the bid, it is  
being prepared, and they have decided that having reviewed the  
competitive position, and now we know about the competitive position  
because they mentioned it at the meeting as being a worry or concern  
that French equipment was going to be supplied is that not so?

25 DR YOUNG: That is correct yes.

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ADV KUPER: And the investment needed to complete the bid and to secure a contract win, would there have been an investment required?

DR YOUNG: Well in terms of mainly people including a whole lot of people in South Africa on the ground of course, that investment of you  
5 know time and salaries.

ADV KUPER: So there was undoubtedly a financial investment and a manpower investment that was involved.

DR YOUNG: Yes, well there would have been but it is pretty insignificant to the greater scheme of things, you know the return on  
10 investment. And if I may say so, and I will say, is that the second two reasons are actually nonsense in the context of them having long since declared, in front of us at least, this is a must win. Companies who make that statement right from their managing director of BAE Defence Systems, Robin Southwell is on the record of saying that, people who  
15 make that kind of statement in a big company like BAE have the way withal and the commitment to make that very modest investment in order to secure a win.

ADV KUPER: Yes, you are now telling the Commissioner what BAE should or should not have decided about its own financial investment. I  
20 think perhaps it will be more valuable if we just go on, and having regard to the resources available within Land and Sea Systems against other key opportunities being progressed in the UK and overseas, who were Land and Sea Systems?

DR YOUNG: Well as I have said before I think, okay the  
25 documentation is in respect of British Aerospace Defence Systems, that

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is a division as opposed to their commercial division. Defence Systems is divided into Land and Sea System, which are responsible for this, and a particular company that would have handled the job was Sea Systems, which is a subsidiary of Land and Sea Systems.

5 ADV KUPER: And I take it you do not claim to know anything about key opportunities that they may have been progressing in the United Kingdom or overseas?

DR YOUNG: Well I kind of do in a negative way, that none of these had ever been discussed with us before. I mean here were a bunch of  
10 pretty senior guys, Dr Steven Walters and company, this had never ever been discussed before, and I am pretty sure if there was anything similar then they would have come to our knowledge. So I am pretty confident of saying that the second two reasons were just a bunch of baloney.

ADV KUPER: So now it is BAE who are lying?

15 DR YOUNG: Yes.

ADV KUPER: Well we can add them to the very long list that you have put up. But what I want to just suggest to you is that far from being ...[intervened]

CHAIRPERSON: I am sorry, Adv Kuper. Dr Young, if you say being  
20 even in this letter, they are lying, what will be the reason for them to lie?

DR YOUNG: Because they were doing their best to extract themselves from a extremely awkward situation. I mean awkward for them, but far more awkward for us. They had a very good reason of not divulging at least on a signed letterhead the real reasons, because that could have  
25 given rise to litigation. I mean, here we were at that meeting that we

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have just talked about, there was a guy there to represent [indistinct] called Mike Tuccol, he was their Commercial Manager. We were in the very, very, very final throws of putting together an absolutely watertight commercial agreement between the companies. We had been led on by  
5 BAE for literally a year and more. So, and you know, there was only an indication of any kind of risk one week before submission of the bid. So, they had a very good reason not to divulge the real reasons for their sudden withdraw.

CHAIRPERSON: So, in other words, what they are saying here is  
10 wrong, they are not telling the truth. You know what actually made them to withdraw, or to extricate themselves from that project.

DR YOUNG: Yes.

ADV KUPER: And the real reason underlying all this, was what?

DR YOUNG: Well, it is an extension of their first point, as having  
15 reviewed the competitive situation. As I have said before in my earlier evidence, from what I can remember, is when I eventually contacted the Managing Director of C-Systems, Roger Barns. He basically told me that never in his 17 years of being involved in this, had they been told so directly from so high up, to basically get out of the country and not be  
20 interested in furthering this bid. That is the real reason.

ADV KUPER: Now, let us look at that. It appears at paragraph 350 of your statement, which is at page 82. Would you just turn that up, please?

DR YOUNG: I have my [indistinct]. What is the paragraph number?

25 ADV KUPER: 350.

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DR YOUNG: I have that.

ADV KUPER: Now, as I understand it, well I do not understand it, Mr Roger Barns, what was his position.

DR YOUNG: Well, my statement states that he was the Managing  
5 Director of British Aerospace C-Systems.

ADV KUPER: And where did he operate from?

DR YOUNG: When I phoned him, I phoned him and he was based or domiciled on the Isle of Wight.

ADV KUPER: So, he was not one of those persons who were working  
10 in South Africa?

DR YOUNG: No, he was not. But, he was responsible for them.

ADV KUPER: He says, according to you:

*“Never in my 17 years in this industry, have we been told so directly and from someone so high up in my home country.”*

15 What did you understand was the home country?

DR YOUNG: Well, that is a typical British terminology they use in this context. They bid on many international bids, and the particular project on which they are bidding, is they refer to it as the home country. So, in this case it was South Africa.

20 ADV KUPER: In fact, I would like to suggest to you, Dr Young, that the term home country is very well known in the English language, and it always refers to the home country, being the United Kingdom.

DR YOUNG: I know that 100%. I did not only discuss this matter with Roger Barnes, but with his other underlings like Director Chris  
25 Courteaux, with various other people, Dr Steve Walters. Okay, we

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[indistinct] as slightly back and sideways, is he was talking about his experience of 17 years in the Middle East, and in that context he picked up experience, and there in those bids they called Saudi Arabia or whatever it was, the home country doing the project. It was in that same  
5 context that he said this, referring to the home country of being South Africa. I can 100,0% vouch for that.

ADV KUPER: Really? Because I want to suggest to you it flies in the face of the words used.

DR YOUNG: It is the home country of the project for which they are  
10 bidding. There is no other logical interpretation of it.

ADV KUPER: Except to anyone who understands the English language.

DR YOUNG: Well, you see, the English language is a very big thing, it is quite generic. Here we are talking about a specific type of technology, of trips and combat systems and defence systems, and I  
15 can assure you that it would make no sense. Well, that is one part of it. It will also make no sense, whatsoever, to refer to the home country as the United Kingdom in this context, it just does not make any sense.

ADV KUPER: Well, that is where BAE were headquartered, were they not?

20 DR YOUNG: Yes, they were.

ADV KUPER: That is where you would say Prime Minister John Major and Prime Minister Tony Blair were headquartered. Was it not?

DR YOUNG: That is correct. Yes.

ADV KUPER: It was from the home country that the decision was made  
25 to exit the consortium, and it was from the home country that this was

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communicated to South Africa. Is that not so?

DR YOUNG: No. The communication came from South Africa that BAE had more than its share, regarding the aircraft, the two aircraft deals, and it was from the home country of the projects, the Strategic Defence  
5 Packages, that that message came.

ADV KUPER: We will not get further in arguing about this. Your understanding, based on the home country being South Africa, led you to suggest, you say, to Mr Barnes that he might be referring to Chippy Shaik, and you then got a cryptic laugh and an answer:

10 *"No, it was much higher than that."*

Is that the position?

DR YOUNG: Yes. That is correct.

ADV KUPER: Therefore you lay before the Commission an accusation that either the Minister of Defence of South Africa, or the Deputy  
15 President of South Africa, or the President of South Africa had issued a command to British Aerospace, to say:

*"Drop this contract."*

Is that right?

DR YOUNG: Indeed, that is correct. Yes.

20 ADV KUPER: So, again, you are the victim of something that has gone wrong. Explanations are given to you, they are all lies. A comment is made which you interpret in a certain way, and the conclusion is that the President, or Deputy President, or Minister has been guilty of some corrupt and improper intervention.

25 DR YOUNG: Well, on the premise of what I say is true, having spoken

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to Roger Barnes, and of course on the premise of what Roger Barnes told me. It is simple logic, being my first guess was Chief of Acquisitions, that is fairly high. But he, as I said, he did not take that seriously, and that is what he told me, and that is the logical inference  
5 thereof. The only higher people than the Chief of Acquisitions, of course there is one other person, that is the Secretary for Defence, but I think it is almost common cause that he had been effectively sidelined in this respect.

ADV KUPER: Yes. I think we have a good idea of the quality and  
10 nature of the accusation you are making. I want to deal, if it is permissible in this time, with a second and related topic if I may, and that is the Reno topic. The Rena topic relating to the paper that you gave oversees in the name of *C-squared I-squared*. Do you remember?

DR YOUNG: Yes, I do.

15 ADV KUPER: Now, as I understood your evidence, you were deeply annoyed that Admiral Cunningham had suggested that there was any bad blood, at any time, between you and your employer, The UEC, and more particularly, you were incensed at his suggestion that it was improper for you to have given this paper under the name and egis of *C-  
20 Squared I-Squared*. Am I right?

DR YOUNG: You are right.

ADV KUPER: Your counter to this was that your relationship with UEC had always been admirable close, and furthermore, that you had given the presentation in the name of *C-Squared I-Squared*, because Armscor  
25 had forbidden you to give it under the name of UEC, because that might

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connect UEC with Armamants, and hence you were required to give it under the name of some sham company. Is that right?

DR YOUNG: Well, I would not use the term sham company, but an entity other than UEC Projects.

5 ADV KUPER: The point of your evidence was that that prohibition had come from Armscor, thus demonstrating that you were not in any way at fault in this regard, and you had not manipulated in any way the situation to your own advantage.

DR YOUNG: That is correct. Yes.

10 ADV KUPER: You were then asked to provide the correspondence between yourself and Armscor, and you did that. Is that right?

DR YOUNG: Yes, that is correct.

ADV KUPER: Sorry, Chair, just bear with me for a moment. If we turn to page 778, we will see a letter which you wrote to Armscor, to advise  
15 them of this paper that you would be giving them. Is that right?

DR YOUNG: That is correct. Yes.

ADV KUPER: This was the formal notification to Armscor, of the need for you to seek permission, and to set out what it was all about.

DR YOUNG: Yes, as far as I can remember.

20 ADV KUPER: Is this the official letterhead of UEC?

DR YOUNG: No, not quite. I think that this is a digital version, for the construction of a Word Perfect memorandum.

ADV KUPER: In short, did you make up this letterhead yourself?

DR YOUNG: I do not remember that, but it was in general use at least  
25 in the Cape Town branch, or at least in the department in which I

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worked. I certainly cannot remember whether I had anything to do with constructing a digital version of it.

ADV KUPER: There is nothing at all to show that this letter, although being sent to an outside party and indeed to Armscor, was copied to  
5 anyone within UEC. Is there?

DR YOUNG: No, there is not.

ADV KUPER: Is it not invariable practise that when you are dealing with an outside party, it is copied to someone within the organisation?

DR YOUNG: No, I made that a rule in my own company now. But, it is  
10 certainly is something even I have difficulty enforcing in my own company after 23 years. It is more often than not, especially on project related stuff, that the project files are the internal references, rather than specific copies.

ADV KUPER: Well, let us press on for the moment, and look at the  
15 party of what you were saying. I am particularly interested in the paragraphs which deal with what you will be saying, and why there is no danger involved. In the second paragraph you say:

*"We have been working on Project F data bus SEP, and the ISC has concept demonstration model. This project has been cancelled, and  
20 there are therefore no implications on Project Security."*

You say in any event I got this from generally available information. Then, you say:

*"We will also ensure that we will not compromise the sources of the FTDI technology that we have been investigating."*

25 Then you say:

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*“Although this is purely of a commercial nature, we do not wish to embarrass our overseas partners, or compromise our integrity.”*

What was purely of a commercial nature?

DR YOUNG: The FTDI technology.

5 ADV KUPER: Then you said:

*“In order not to link UEC Projects with work of a military nature, I intend (the word to is missing) to present the paper in the name of a dummy company.”*

Correct?

10 DR YOUNG: That is correct. Yes.

ADV KUPER: To whom in UEC had you shown this letter?

DR YOUNG: I do not know whether I showed this letter before it was sent, but it would have been faxed by the departmental staff and routed through. I was not the Department Manager, I was a Project Manager.

15 My superior was a Departmental Manager called Neill Geoffrey, I am pretty sure that he would have been aware of this document.

ADV KUPER: Yet, there is no indication on the letter of his having been copied, or his having given any consent. Is there?

DR YOUNG: No. When it comes to matters of this nature, specifically  
20 regarding overseas travel, the permission is given by the Group, not even head office in Durban, but the top head office, which I think was either Boksburg, or Johannesburg, basically on the advisement of the Branch Manager.

ADV KUPER: But, there were people copied, as we see at 779, and  
25 one of them is BE Blackbeard. Is he the gentleman that we have come

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across recently?

DR YOUNG: Yes.

ADV KUPER: The other gentleman, PA Meiring, he is an Armscor official, is he not?

5 DR YOUNG: Yes, he is Anton Jordaan's Divisional Manager.

ADV KUPER: At page 780 we have a one page look at what may be the cover page of a paper, that you were intending to give. Is that right?

DR YOUNG: That is correct. Yes.

ADV KUPER: Here the author is shown as RM Young, but there is no  
10 reference to *C-Squared I-Squared* at all.

DR YOUNG: No, for the very reason of the apparent sensitivity at this stage.

ADV KUPER: What apparent sensitivity?

DR YOUNG: Of presenting a paper overseas with a linkage to UEC  
15 Projects.

ADV KUPER: There is no indication of *C-Squared I-Squared*, the dummy company.

DR YOUNG: Not at this stage, no.

ADV KUPER: That would come later.

20 DR YOUNG: Yes, that comes a little later.

ADV KUPER: Do we in fact have a copy of the paper in the form in which it was presented, and which bears the reference to *C-Squared I-Squared*?

DR YOUNG: Well, certainly things were discovered, and I can  
25 remember in my mind's eye in the first session of my evidence, looking

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at two things; the application to present to paper, the application to Rena, and that is in the name of *C-Squared I-Squared*; as well as a copy of the first presentation slide, which has a hand drawn *C-Squared I-Squared* logo on it, and even the company number. So, as far as I can  
5 remember, I believe we deduced that.

ADV KUPER: I think you have deduced it under RMY2. Would you like to call that up?

DR YOUNG: Yes, I have seen RMY2.

ADV KUPER: So, the description that was given in the paper, was that  
10 the author was Richard Young, together with his qualification, *C-Squared I-Squared Systems (Pty) Ltd*, Cape Town, RSA.

DR YOUNG: That is correct. Yes.

ADV KUPER: If at the meeting an admirer, or a person wishing to establish contact, came to you and asked you for your business card,  
15 what would you have given them?

DR YOUNG: I am pretty sure that we did not have business cards. So, the answer would have been to write it down on a piece of paper, or on the back of a cigarette box, or something like that.

ADV KUPER: Really? Was this the days before business cards  
20 existed?

DR YOUNG: No. I think I had a UEC, I am pretty sure I had a UEC business card, but I certainly cannot remember having a *C-Squared I-Squared* business card until sometime in the first quarter, or half of 1992.

25 ADV KUPER: Would you not have to make it up, just a little bit earlier,

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for this presentation? Otherwise it would just appear to be silly, that you would pretend to be from a company, asked for a business card and you would say "No, I do not carry them, or I have not got it." I mean surely, to give as semblance of credence to this dummy company, you would  
5 be handing out the *C-Squared I-Squared* business cards.

DR YOUNG: Well, I can certainly not remember anybody approaching me to ask for a business card. The standard response is "Sorry, I gave my last one out at tea time", or whatever. So, you know, this thing was done in extreme shortness of time, and I just cannot remember having a  
10 business card for *C-Squared I-Squared*.

ADV KUPER: Let us look at page 782. Here is the response of Mr Jordaan to your request. He says:

*"Further to our previous conversation, and your letter dated 27 August, approval is hereby given that you may continue with arrangements to  
15 present a paper at Reno. It is clear that this paper does not refer to, or make use of any existing SADF project. However, the knowledge and opportunities gained will be to the advantage of the SADF, if this technology is required in future. I am convinced that you will be commercially successful, and that it will be to our mutual advantage."*

20 What did he mean by being sure you would be commercially successful?

DR YOUNG: I do not really know what he meant. It is his letter, I think you should actually ask him, rather than me.

ADV KUPER: Did you not form any understanding, or impression, of  
25 what he was conveying as his good wishes?

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DR YOUNG: No, I do not think it was really relevant. At that stage I was only concerned about getting to London and giving my first presentation ever. I was quite nervous, I was not really interested in much more than that at this time.

5 ADV KUPER: What he must of being saying, I suggest, is that this paper and this exposure, of yourself and the company, would lead to some commercial opportunities, that is why he is saying “to be commercially successful.”

DR YOUNG: No, I do not think so at all, because I do not know what  
10 possible opportunities could have arisen, certainly not for *C-Squared I-Squared*, and I do not know how they could have for UEC Projects either. But, I really do not know, this is just his letter, I did not send him a response to say “What do you mean by this?” I just accepted this letter as an authorisation to proceed.

15 ADV KUPER: What I do not see in this letter, or indeed in any other letter, is a prohibition from Armscor to use the UEC name.

DR YOUNG: Yes. First of all, because he is saying this in response to my own letter, where I have sat that out clear enough, and my own letter is in response to various conversations that I was having with him, you  
20 know, and his navel counterpart, Brian Blackbeard. So, these are busy guys, they do not normally, they leave us contractors to do the running when it comes to administrative things like this. So, it was left to me to put this in writing, and he responded. But, he certainly clearly refers to my correspondence, as well as he clearly refers to the sensitivity  
25 regarding projects and things. Also, interestingly, he sense this

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document to be a secret document, a secret classified document.

ADV KUPER: So, it would be correct then to say that the letters do not indicate any prohibition from Armscor. The letters indicate that it was a suggestion of your own. Is that right?

5 DR YOUNG: No, that is not the case. Basically I was told that “You are not going to do this in UEC Project’s name, because that will expose the fact that UEC Projects is a defence company.” Although, what we were doing down at the Cape Town branch did not have any particular sensitivity, there were other things happening in the Mount [indistinct]  
10 branch that were extremely sensitive and critical. They just did not want those links to be exposed.

ADV KUPER: No, I do not think you are listening to the question. The question was that from the letters, from the writing, there is no indication at all that Armscor imposed any prohibition. From the writing it appears  
15 that you made the suggestion, and indeed that that suggestion was ignored, when Armscor wrote back. That is right, is it not?

DR YOUNG: No, it is not right. That basically said this had been discussed telephonically before, kind of an agreement in principle that had been reached. I followed that up and put it into writing, where I  
20 mentioned that, and that was responded to by Armscor, basically confirming that, and certainly not diverging, or disagreeing with that in any way. That is the bases on which I proceeded to give the presentation not in the name of UEC Projects.

ADV KUPER: Since you appear to be oblivious to the questions that  
25 you are asked, point out to me in the writing, where Armscor impose a

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prohibition.

DR YOUNG: They do not directly.

ADV KUPER: Point out in the writing where they impose one indirectly.

DR YOUNG: Absolutely clearly, indirectly, they are accepting my letter,  
5 where I say that I will not be giving it in the name of, or exposing UEC  
Projects. That is the indirect reference to which I want to make.

ADV KUPER: Which they simply ignored.

DR YOUNG: Well, when by ignoring it means you accept it, if you...  
The way it works in human interaction, if you have got a problem with it  
10 then you respond, if you accept it you just ignore it. That is normal.

ADV KUPER: You see, apart from this answer you give, the second  
paragraph of the letter in which they did respond, does respond to the  
matters that they want to point out to, that as you say, it does not refer  
to or make use of any existing project, which is the point you had made,  
15 and which is the point they are acknowledging. But, they ignore this  
suggestion that you have an intention to present the paper in the name  
of a dummy company. Do they not?

DR YOUNG: Yes, they ignore it, because clearly they have accepted  
what I said in my prior letter.

20 ADV KUPER: So, other than your say so, is there anything which  
shows that this plan to present the paper in the name of *C-Squared I-*  
*Squared*, is there anything to show that that was not your own idea?

DR YOUNG: Not in documentary form. But, it is not purely just on my  
say so right now. What I am saying is pretty clearly backed up by  
25 documents that were initiated 17 years ago, and have not been changed

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in the interim.

ADV KUPER: Is there anything on the documents to show that you sent, marked either 778, or 782, for the knowledge or attention of anyone in UEC?

5 DR YOUNG: Not those two particular documents, but what I do know is my request for overseas travel was accompanied by the application, for what I can remember, the application form, as well as what I can remember a synopsis of my paper, in order to get approval right from the top levels of Altech. There is no ways that my overseas travel would  
10 have been approved without that kind of knowledge of the company.

ADV KUPER: In making the application, did you attach the letters at 778 and at 782?

DR YOUNG: No.

ADV KUPER: Can you show us any document in which you report to  
15 UEC that you will be giving the paper in the name of *C-Squared I-Squared*?

DR YOUNG: Well, the documents that I have just mentioned, are the Rena Naftech 91 application form, and I am working of course from memory 17 years ago, I am 99,9% sure that that would have been  
20 attached for my application for overseas travel, which I would imagine also have been the application permission to present such a paper.

ADV KUPER: Well, let us accept this, that it certainly was very necessary for you to inform UEC that you would not be presenting the paper in its name, but because of an Armscor prohibition, you would  
25 present it in the name of a dummy company, which would be *C-Squared*

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*I-Squared*. You accept that?

DR YOUNG: Yes, and that is indicated in that application form, that will be in the name of *C-Squared I-Squared*. I need to point out at this stage, that we are only looking at a snippet of the documentation that would have gone around this matter. Just remember, this happened  
5 when I was working at *C-Squared I-Squared Systems*. Sorry, I was not working at *C-Squared I-Squared*, I was working at UEC Projects, and all of that relevant, you know the true application forms with whatever was attached to it, would not be in my possession. The fact that these two  
10 documents on the UEC letterhead came to me, and the Armscor response came to me in rather a fortuitous manner. But, that does not negate the fact that there would have been a lot more in UEC files, of which I do not have access to anymore. So, just because there are not documents here that prove one way or another, whether I  
15 communicated this with my line manager, Neill Geoffrey, the Branch Manager, that does not mean to say they do not exist.

ADV KUPER: No, of course, it does not mean to say they do not exist, and it certainly does not mean to say that they do exist. That is why I am asking you questions.

20 DR YOUNG: Except on my say so, and seeing I was the person involved, and I know you are trying to negate my evidence. But, I am saying that I did get authorisation from the company, and the group, to do say. And, the clear indications of what does exist, shows that that at least has a high possibility, even a high probability of being true. There  
25 is nothing to indicate the opposite.

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ADV KUPER: Well, that is what I am testing you, and you must allow me, Dr Young, a little time to test. One of the ways of testing it, Dr Young, would be to take the page 778 and contrast it with page 820, because both are written in the name of UEC Cape branch. I am sorry,  
5 not Cape, Durban. One is written in Durban, 820, and one is written in Cape Town, 778. But, they are both examples of letterheads. Do you see that?

DR YOUNG: Yes, but they are completely different type of letterheads.

ADV KUPER: Well, they are completely different type of letterheads,  
10 and I am just wondering whether the letterhead at 770, is an authentic letterhead, or has been contrived. One of the things that I note, is that the letterhead at 778 has no address, it has no phone number, it has no telex link, it has no telefax number. Indeed, it is a very strange letterhead, is it not?

15 DR YOUNG: It is not at all, not in the slightest. The letterhead to which you refer from Durban, is an official letterhead that was on a letter written by the Personnel Director at that stage, Trevor Moore. It was written to an outside company like my own, and of course, you know, he might choose to write that on an official letterhead. The letterhead to  
20 which you refer at page 778, is just a memorandum that gets sent, gets printed and normally get sent by fax, or maybe internal mail. It very clearly says it is the Cape Town branch, and in fact, the land systems group. This was just a way of very quick, and of course I am pretty sure this was a monochrome thing as well. The reason why the other one  
25 looks copied, is because UEC Projects' colours is orange, and that does

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not photocopy so well. So, in those days it was the days before colour printers were ubiquitous, so if you wanted to print out an original letterhead on colour stationary, you had to do all the right things at putting the original stationary in the printers and whatever have you.

5 The other way was for either internal company or branch, or even in this case it is actually more internal projects, even though it is going to an external company like Armscor. But, there is a difference between the letterheads for the reasons I have just explained, and it is all a matter to do for practicality for your not serious official company, just for inter-  
10 project, or intra-project, or inter-company, intra-company communications. That is why it was done using a Word, in these days you can see there is a file number W51 at the bottom, that is Word Perfect version 5.1, and this was just something that was in an image embedded in Word Perfect, that one could just print out this thing and  
15 just walk to the printer and get your printout of it, without having to put in special stationary. So, there is nothing on towards it, there is no funny business. The inference that I could have constructed this, of the fact, is actually ludicrous.

ADV KUPER: No, the inference is not that you constructed it after the  
20 fact. The inference is that you constructed 778, for the purpose of writing to Armscor in a way that would not be known to, and would not be disclosed to the company, UEC. That is why, as part of that scheme, you just put on a letterhead with no address, with no phone numbers, with no other identifying marks that you would expect in any ordinary  
25 letterhead.

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DR YOUNG: No, that is completely incorrect. This was a standard letterhead that was used within that department, the Development Department, and that the particular land systems group, that extra thing of land systems was added on. But, this certainly was not something  
5 specifically used in this instance alone, it was generally used for I would imagine several years before this internal memorandum was generated.

ADV KUPER: The other thing I point out to you, is that the letter 820, with its official letterhead, was written to you. So, it was written internal in the company, whereas the letter at 778 written on behalf of the  
10 company ostensibly to Armscor, is not written on a letterhead which one would find in any ordinary business practice.

DR YOUNG: You need to be careful about your facts. The letter at 820 is written to me, dated 29 March 1992, and if you have been following my evidence, I started my first day of work at *C-Squared I-Squared* on  
15 the 3<sup>rd</sup> of February 1992, which was as far as I remember, comes before March. So, this was not as you incorrectly say, sent to me internally, it was sent to me as another company.

ADV KUPER: But is that not worse? Does that not show when the company writes externally, it writes on a proper letterhead.

DR YOUNG: We write externally to another company, such as this involving a potentially sensitive situation, involving conflicts of interest [indistinct] employment and whatever else. But, as I said, the one that I wrote, was effectively an internal project memorandum, even though it went to another company, being Armscor. You know, we were  
20 communicating with Armscor and the Navy on a couple of times bases,  
25

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so this was an internal project memorandum.

ADV KUPER: When did you deliver the paper?

DR YOUNG: As far as I can remember, it was the 3<sup>rd</sup> of December 1991.

5 ADV KUPER: When did you leave UEC?

DR YOUNG: I think my last day of work there was the 31<sup>st</sup> of January 1992.

ADV KUPER: So, within a month of delivering the paper, your association with UEC terminated.

10 DR YOUNG: Well, it is actually two months, but if you mean two months by one month, then the answer is yes.

ADV KUPER: I understand that you were accompanied by an employee of UEC, to give this paper overseas. Am I right?

DR YOUNG: Well, sort of kind of right. One of my colleagues at UEC  
15 was Gerhard Kruger, and he was on a kind of three month, he called it a walk about, overseas. Because he was already overseas he requested, and I think I probably would have handled that from the Cape Town branch because he was overseas, he requested that he made his own travel arrangements, et cetera, that he could also attend the  
20 conference.

ADV KUPER: I suspect I heard this name before, in the context of a shareholder in ICC, and a director in *C-Squared I-Squared*. Am I right?  
Is it the same Gerhard Kruger?

DR YOUNG: It is correct.

25 ADV KUPER: So, what the Commission must understand, is that the

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employee who was from UEC and accompanied you, was recruited by you into *C-Squared I-Squared*.

DR YOUNG: Yes, later, sometime in the first half of 1992.

ADV KUPER: Yes. You went first, and a little while later you were  
5 joined by Mr Kruger.

DR YOUNG: Absolutely. There were very good reasons, as I have already put it in my witness statement, our projects and even these documents. Our projects had been cancelled. One of the reasons were Mr Kruger was overseas, it might not even [indistinct] but extended,  
10 basically because his work had come to an end, our work had come to an end. There were not any technical work ahead of us, and to be quite honest, we were fairly confident that we were going to be retrenched any time soon, at that stage.

ADV KUPER: So, it was time to look for fresh pastures.

DR YOUNG: It may have been in some context, but that is actually not  
15 the reason why I left UEC. In fact, before I went overseas, and I think that last month or two of say October, November, as I have testified before, my Branch Manager, Duncan Howse, got promoted in a big hurry, and left for Durban. There was a replacement process, and I was  
20 invited in fact by the same person who wrote that one letter, Trevor Moore, to apply for the job of Branch Manager. I did not get it, but when I came back it was explained to me by Duncan Howse and the new Branch Manager, Frank [indistinct], that I would get a substantive promotion from Project Manager, and only to be an Acting Departmental  
25 Manager, to a substantive Departmental Manager. I accepted that, and

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I gave them my commitment there, that I would stay with UEC for the foreseeable future. But, as it turned out, and it was based on that I would become the effective Departmental Manager of the Development Department, which was called Department 51, and that was more or less accepted in this verbal meeting, the day or so after I returned from the UK, somewhere roundabout the 10<sup>th</sup> of December. And, low and behold, two or three days later, I got [indistinct] saying "Sorry, we do not want you to be Department Manager of Department 51, we have got bigger problems in Department, I think it was 53, or 52, the System Engineering Department. You are now going to be the Departmental Manager of that." I said "Sorry, that is not what we agreed, that is not what I accepted. I do not want to be going to a new department to sort out problems." I think I gave them a kind of verbal at least, advisement that the decision that was changed that I would be resigning, and I gave them quite a few days, might not have been a week or two, and I heard nothing, whatsoever, it just went silent. So, roundabout that time, before Christmas, I submitted my resignation. But, I had absolutely no idea whatsoever that I would be resigning from UEC Projects when I went overseas. As I have said before as well, naval projects in that time, post the end of the border war, 1988, 1989, were being cancelled, and the Cape Town branch development department was actually superfluous. We were always aware of that fact, that we might at [indistinct] scoop either be retrenched, or offered a transfer to Durban or Johannesburg. So, of course, we were always aware of that possibility, but it was certainly not reason whatsoever, of why I presented a paper in Rena in

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the name of *C-Squared I-Squared*.

ADV KUPER: Yes. I think the Commission has heard quite enough to be able to form a view as to whether or not you contrived this opportunity with an eye to fresh pastures. But, would you just remind  
5 me and the Commission again, if you would be so kind, why it was that you set up a company called *C-Squared I-Squared*?

DR YOUNG: Well, as I have said before, we realised that one day either we would not have a job at UEC Projects in Cape Town, and we might have to have alternative forms of employment or whatever. At  
10 one stage in the mid 1991, I had this brainwave, what I thought was a brainwave of a name of a company, a play on the old traditional defence term C<sup>3</sup>I, which stands for Command Control Communications Intelligence, or in this days C<sup>4</sup>I<sup>2</sup>, and I took a play on those words of *C-Squared I-Squared*, and I thought of a logo. It is not a double S, it is a  
15 double integral sign, and that is what our company does, we integrate systems. I had this idea, so why not register the name of this company. Of course, I did talk about it to a few people. So, I wanted to register it before anybody else possibly had the same idea. So, that is what I did, I registered the company and it was basically a dormant company.

20 ADV KUPER: Who did you talk to, and for what purpose?

DR YOUNG: No, it was only possibly a couple of my work colleagues, not very widely. But, in my industry, or circle of not so personal, personal friends, but I certainly discussed this with people outside. You know, of course even if they did not do it, that idea which I think was  
25 pretty unique, could have escaped from me. That is who I am talking

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about.

ADV KUPER: I asked you for what purpose you talked.

DR YOUNG: Well, what people thought of the idea, of having an interesting name. But, in fact to this very day, 23 years later, you do not  
5 even know how to pronounce our company, whether it is *I-Squared C-Squared*, or C212, or C2I2, or *C-Squared I-Squared*. So, I realised at the time that there would be some difficulty from that point of view, and I wanted to register the name with the Registrar of Companies as *C-Squared I-Squared*, not as C2I2, or CCII Systems. But, they could not  
10 do that, they could not accept the squared character into their computer systems, so I had to fall back on a name of CCII Systems, with the trading name of *C-Squared I-Squared*. Those are the kind of things that I discussed, that was the reason why I discussed it with other parties.

ADV KUPER: You see, when a man registers a company, it means that  
15 he has got to go through the business, the expense and the time of a memorandum, of articles, of appointing directors, of returning financial statements, of keeping a company going. You would have had to do that from the start, would you not?

DR YOUNG: No, certainly not. In those days it was easier to buy a  
20 shelf company, and from what I can remember, if it was not done, it was certainly a very simple matter of either instructing a firm of accountants, or people what they call company secretaries to do that. The memorandum of understanding and the certificate of corporation is absolutely standard stuff. I cannot even remember being involved in  
25 that. In fact, when I was asked to produce that last week, I had to get it

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from my company, I had not even seen a copy for 20 odd years. I cannot remember exactly the names of the documents, which of course your own attorneys got wrong. So, they did not know they correct naming for those documents either. But, also when a company is  
5 dormant, all it has to do is appoint one director, I think there is one CK21 form, that is it, you sign it and when the company is dormant and it does not produce income, then there is no great administrative duties, unlike these days I can [indistinct] for VAT. Okay, VAT makes things more difficult if you register for VAT, but it was an extremely simple thing, and  
10 it did not take up any of my time, or effort, or expense, until we started trading in February 1992.

ADV KUPER: So, can I summarise.

CHAIRPERSON: Before you summarise, Adv Kuper, unless if that is a last question, today I am the first one to say that probably we need to  
15 adjourn.

ADV KUPER: There is nothing I was going to put, that I could not put tomorrow.

CHAIRPERSON: Thank you. Maybe this might be the right time to adjourn, and we will reconvene tomorrow morning at 09:00. Thank you.

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**(COMMISSION ADJOURNS)**