

**ARMS PROCUREMENT COMMISSION**

*Transparency, Accountability and the Rule of Law*

**PUBLIC HEARINGS**

**PHASE 2**

**DATE : 11 MAY 2015**

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**HEARING ON 11 MAY 2015**

CHAIRPERSON: Good morning, everybody. Advocate Lebala?

ADV LEBALA: Commissioners, Commissioners, am I audible?  
Commissioners, General Meiring is standing before the Commission.

5 Might I be permitted just to draw your attention to one important aspect,  
for housekeeping? There is also Colonel Du Plooy, whose testimony  
the Commission has to hear. He is present in the proceedings and there  
has got to be clarity, as to whether he testifies immediately after the  
evidence of General Meiring has been led. We are confident that the  
10 evidence of General Meiring is not going to take time, longer than roll,  
Chair.

CHAIRPERSON: Advocate Lebala, from the correspondence that I  
have seen, apparently Colonel Du Plooy is having a legal  
representative. If that is the position, are we ready to proceed with him?  
15 Do we have a copy of his statement? Have copies been made of  
documents that he is going to refer to?

ADV LEBALA: With respect, Chair, the, all the four incremental  
questions you have posed, they could be better addressed by Advocate  
Pansergrow, who is present in the Commission, representing Colonel  
20 Du Plooy. May I please give over to him?

ADV PANSERGROW: Mr Chair, Mr Commissioner, sorry. I appear on  
behalf of Colonel Du Plooy. The questions cannot be answered in the  
affirmative, at this stage. We have prepared documentation and the  
statement. It is quite voluminous. We are still in process of arranging  
25 for copies to be made. We had logistical problems and we need some

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more time, to prepare and to hand it over to the Commission, in the adequate and proper manner and form. As it is quite voluminous, I believe there is going to be a problem to read through everything, because the documents are going to be dealt with, during the evidence  
5 of Colonel Du Plooy. So, we would request that a postponement be granted to Colonel Du Plooy, to ensure that we are able to finalise the copies and the annexures are properly indexed and paginated. The pagination is a problem still. It is seven arch lever files of documentation that is, that are annexed to the statement. There is also  
10 a CD that if the contents thereof had been printed, would amount to approximately 55 arch lever files, of printed documentation. I have prepared a written application for postponement, if the honourable Commission so accepts it. I do not know whether it was handed to the Commission, prior to the proceedings commencing. A copy thereof has  
15 been handed to the evidence leaders and if the Commission so requires, Chair, I can read it into the record or I can bring an application, if the honourable Chair so wishes.

CHAIRPERSON: We have seen copies thereof. But then, let me just try and find out. You are referring to 55 arch lever files. Are you saying  
20 to me that, you know, Colonel Du Plooy, over two days, he is going to testify and refer to 55 arch lever files?

ADV PANSENGROW: Chair, no, it will not necessarily be the whole of the contents. But, the arch lever files that are attached to the statement are seven in number, at this stage. Attached to one, are the annexures  
25 in the arch lever files. There is also, for instance, a CD that has pdf files

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on it and should those pdf files have been printed, they would, in turn, amount to 55 arch lever files. That is part of a report. As such, the documentation is quite voluminous and Colonel Du Plooy is not going to refer to each and every page of the documentation. But, where, for instance, a whole document is attached, there might be certain portions of the document that is very pertinent. Only those portions of the document would be referred to, by Colonel Du Plooy. But, the rest of the document has to be handed in also, because I presume, there might be questions, or it might give another light or perspective to the portions, which Colonel Du Plooy is going to refer to. In saying this, the honourable Chair must, and Commissioner must perhaps just take into consideration, I am not speaking on behalf of the evidence leaders, who obviously, will know much better, which portions or what they precisely intend to deal with. But, this is in general, the principal or the practice, which we followed, in drafting the statement of Colonel Du Plooy. The statement is available and the annexures are available. But, the annexures are not paginated yet and there are not sufficient copies made, at this stage. It is also, due to the fact that we have in fact, not been able to go through everything properly, for the purposes of Colonel Du Plooy's evidence. We also need time to go through it and at least, have a modicum of knowledge of the documentation, before we testify. Lest we waste the Commission's time, by having to refer back to documentation and doing a search every time a question is asked perhaps. So, in a nutshell, honourable Chair, that is the situation.

25 CHAIRPERSON: And maybe then, we also try and emphasize this.

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Please, when you prepared those annexures, look at our terms of reference. We operate within a certain framework of the terms of reference. Anything, which is outside our terms of reference, you will be wasting our time, if you referred us to issues, which are outside our  
5 terms of reference. We are a creature of those terms of reference and we cannot go outside the terms of reference. I have already heard you talking about other reports, which might be totally irrelevant to what you are supposed to be doing. Just keep that in mind, when you prepare the statement and prepare the, the, regarding his [indistinct].

10 ADV PANSENGROW: Chair, thank you for the guidance. It is sincerely appreciated. We will also, in this regard, refer to the evidence leaders to assist us. That is also the intention of Colonel Du Plooy, when he testifies, that he refers only, or hopefully only to portions, which are more relevant, for purposes of the honourable Commission.

15 CHAIRPERSON: Thank you. Advocate Lebala, I see, or I was told that you want the evidence of, if we are not hearing Colonel Du Plooy's evidence today. You want it to be deferred to next week Tuesday. Why can we not make it on Monday?

ADV LEBALA: Chair, the request has been made by our learned friend  
20 Mr Pansergrow and appreciating the challenges that they were going through the previous weeks, when we met with them, they are the ones who suggested the date of Tuesday. We assured him that we are even ready now, to lead his testimony. I am not trying to embarrass our learned friend. We do not draw statements, Chair. But, we suggest, for  
25 instance, we advised them that the theme of the testimony of Colonel

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Du Plooy, if we trajectory it and make it flow smoothly, it is underpinned on 10 themes. We have not seen the final statement. But, the initial drafts, we are helping on those themes, whether there are additions or not, we are not better qualified, Chair, to say to them, but it ought not to be included. But, we will lead, probably, to exclude that, which has become trite, before this Commission, without repeating evidence. Mr Pansergrow has also been generous to us, because he yields to advice and suggestion. But, we are not in a position to advise, which part of the testimony should not be included in the statements. We [indistinct] from participating in that, Chair.

CHAIRPERSON: Yes. But, then, my question is, are we remanding to the 18<sup>th</sup>, the sitting of [indistinct], if we defer the evidence of Colonel Du Plooy to the 18<sup>th</sup>?

ADV LEBALA: With respect, Chair, I deferred to Advocate Pansegrow and I think, they had the motivation why they want to start on Tuesday, which makes sense to us. For the moment, may I please defer to him to that?

CHAIRPERSON: Okay.

ADV PANSENGROW: Honourable Chair and Commissioner, the reason why I begged an indulgence to postpone until Tuesday, is that, in the normal course of events, one usually prepares the weekend before and then, another few documents or aspects might be raised. Being over a weekend, it is usually impossible to get the logistic system going properly and prepare any additional documentation, which would mean, if we postpone to the Tuesday, at least, the Monday, one would be able

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to put the follow up touches to the evidence, which I believe will, in fact, speed up the process, rather than proceed in a rickety and incomprehensible haphazard manner. So, it is basically just to wrap up the preparation and to ensure that we have a week day, where the  
5 logistics are available, as might be needed to put the final touches to the preparation for the evidence. Chair, that is in principal, the reason why. But, we are of course, in the hands of the Commission. Whatever the Commission decides, we will, of course, do our best to accommodate and fall in line and duly comply with any directions the Commission  
10 might have.

**CHAIRPERSON:** Are you available on the 18<sup>th</sup>?

**ADV PANSENGROW:** We will be available, Chair, indeed.

**CHAIRPERSON:** I think, we are going to defer the evidence of Colonel Du Plooy to next week Monday, which would be, it should be the 18<sup>th</sup>. I  
15 hope that by Wednesday or even tomorrow, tomorrow before the end of business, we should be, the Commissioners should be having a copy of the statement of Colonel Du Plooy, together with annexures thereof.

**ADV PANSENGROW:** Honourable Chair, Advocate Mdumbe has  
20 is, in all honesty, a bit too much for us, at this stage, to help with the making of copies. We will definitely finalise the pagination, which is our main hurdle today. The copies, I understand will be available, or probably be available by tomorrow. I am sure the Commission will have the copies, as requested and required, by at least tomorrow, probably  
25 the end of day, later today. I cannot speak on behalf of Advocate

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Mdumbe, but I think, the process is well underway. Thank you, Chair.

**CHAIRPERSON:** Thank you. And I say this, he is sitting here. He is listening at you and he is nodding. So, that means that you will be in a position to give us statement and annexures thereto, tomorrow  
5 afternoon. Colonel Du Plooy, thanks a lot. You are excused for now. Your evidence is deferred until Monday, the 18<sup>th</sup>. We will start at the same time at the same venue.

**ADV PANSERGROW:** Thank you, Chair. Thank you, Mr Commissioner.

10 **CHAIRPERSON:** Advocate Lebala?

**ADV LEBALA:** Commissioners, General Meiring is standing before the Commission.

**CHAIRPERSON:** Advocate Pansergraw, you are excused. If you want to go, you can go. You are excused. Thank you.

15 **JOHANNES WILLEM MEIRING:** (d.s.s.)

**CHAIRPERSON:** I am sorry. Advocate Pansergraw?

**ADV PANSERGROW:** Yes?

**CHAIRPERSON:** I am not sure, there is one issue that I thought I would raise with you. I am not sure if it has been resolved. Because at  
20 some stage, I was told that apparently your client might need an interpreter. Has that issue been resolved? Because then, I was worried that, you know, if we are going to need an Afrikaans interpreter, who is going to interpret from Afrikaans into English, from English to Afrikaans. There might be much more evidence than we initially thought.

25 **ADV PANSERGROW:** Thank you, Mr Chair. Mr Chair, my client is

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indeed Afrikaans speaking. He would prefer to give his evidence in Afrikaans. Although, we might limp along in English and we needed, an interpreter might step in, although the preferred method, I would presume, to be, to have an Afrikaans, English interpreter available.

5 CHAIRPERSON: Ja. That I understand that your client is Afrikaans speaking. That I understand. But, then, you know, it might just cause logistic difficulties for us. If at all, before that, you are going to lead his evidence and [indistinct] for his part, you are now going to interpret everything from English to Afrikaans and visa versa and the reason  
10 there might be the one [indistinct]. Just from a practical point of view, is your client not prepared to testify in English? In instances, where he has a problem, then he can revert it to Afrikaans. Ours is a tradition, where each and every word, that is what he is going to say, is going to be interpreted in English and visa versa.

15 ADV PANSENGROW: Sorry, Mr Chair, might I just briefly take instruction of this aspect, my, from my client?

CHAIRPERSON: Ja. Before you take instructions, I have spoken to your client a lot. He was briefed about the Commission. He was talking very good English. He did not have any difficulties. If you can just  
20 remind him that I heard him, he is talking very good English. Thank you.

ADV PANSENGROW: Mr Chair, being in close proximity of the Commission, perhaps brushed up his language capabilities. I will just ascertain from him, if I might. Thank you, Mr Chair. Thank you, Mr Chair. The situation is that my client has no problems testifying in  
25 English, in his evidence in chief. However, he is perturbed and a bit

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apprehensive about cross-examination in English, where he might not follow the drift of the questions properly, or how the questions might actually be put, or what it means. So, in that respect, although he shall attempt to do his best, he would appreciate any assistance, should he  
5 not understand something perfectly, if one could just assist him with the questions and the translation to Afrikaans, to make it more comprehensible. I do not know whether it would be acceptable in that respect, if the honourable Chair and the Commissioner would perhaps give us guidance in that respect. An interpreter might be needed, but it  
10 is not for purposes of everything as such. Just to clarify anything, any questions, during cross-examination which might not be that clear to the witness. If I have made it, hopefully clear enough.

CHAIRPERSON: Thank you. I do not think we should have any problem. If at all, we will have an interpreter available and your client,  
15 your client would try and testify in English and try and answer questions in English. If there are difficulties, the interpreter will try and I hope, you will also be in a position to assist your client.

ADV PANSERGROW: Thank you, honourable Chair. I shall do so. I can just mention that we did have a dictionary available, when drafting  
20 our statement. So, we shall bring the dictionary with, also, for my client to do the necessary reference work. Thank you, Chair.

CHAIRPERSON: Thank you, thank you for your consideration. Okay. I am sorry, Advocate Lebala.

ADV LEBALA: Thank you, Chair. I am just refreshing that General  
25 Meiring has been sworn in. General Meiring, please, if you want us to

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repeat the question, feel free to draw our attention. If you want us to speak more slowly, for you to understand, please do not hesitate to draw our attention. I assure you that both Commissioners, hulle is albei meertalig. But, I know, that for the benefit of this Commission, they want everybody to speak English. I assure you, they speak suiwer Afrikaans. Before we go to your statement, I just want us to look at the prism, through which your testimony has to be looked at. You have prepared a five page statement. Am I right? There is a problem with general's microphone. You know, jy kan druk nou. Ja. Dit is reg.

10 GEN MEIRING: Thank you, honourable Chair. Thank you, honourable Chair, honourable Commissioner. Yes. I did submit a five page statement.

ADV LEBALA: Now, you will perfect it as we go on, I know. Once, I, ek druk, you must switch off. En as u druk, I will switch off. Thank you, general. There is also a free floating document, headed information note. The Commissioners have been placed in its possession. It consists of six paged. Am I right?

GEN MEIRING: Yes, honourable Chair.

ADV LEBALA: Now, these are the documents, through which, your testimony has to be looked at the document, called information note, has been marked page 1 to 6. Just for the sake of completeness, the Commissioners would see that this document has been retrieved from the whole set of documents. It is indexed and paginated, page 264 to 269. But, because it is six pages, for the sake of just a free flow, we have marked it page 1 to 6 now. These are the two documents, through

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which, your testimony is going to be looked at. Let us go to your statement. But, before we start with your statement, let us simplify it. Please look at page 5 of your statement? You have made the statement under oath. Am I right?

5 GEN MEIRING: Yes, honourable Chair, honourable Commissioner.

ADV LEBALA: Now, let us go to page 1 now. We are starting with your sworn statement. I am going to read it quickly.

*“I, the undersigned, Johannes Willem Meiring, do hereby state under oath as follows.*

10 *1. I am an adult male. I was employed by the South African Police Service for 40 years and nine months. I retired from the service on 30<sup>th</sup> November 2013.”*

I am certain that the Commission would enjoy the benefit of your experience and expertise, that I am confident, will come out.

15 *“2. On 1 March 2003, I was promoted to the rank of Major General and appointed as the head of Commercial Crime Component, Detective Service.”*

Now, this is very important. I would like you to simplify it to the Commission, so that they should appreciate your role, in as far as the  
20 strategic defence procurement packages are concerned, if any. Just explain about your appointment, as the head of Commercial Crime Component, particularly detective service.

GEN MEIRING: Honourable Chair, honourable Commissioner, I was  
25 appointed as the head of the Commercial Crime, within the detective service. I headed the Commercial Crime, nationally. Under my

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command was nine provinces, with, called as provincial commanders, Commercial Crime and there was also 17 offices, nationally placed, under my command. I oversee all commercial crime related matters in South Africa, during that period of time.

5 **ADV LEBALA:** Now, the relevance of this position is going to come clearly, as we go on. Let me draw attention to paragraph 3 and may I read it?

*“On 1<sup>st</sup> October 2009, I was transferred to the Directorate for Priority Crime investigation, to head the Commercial Crime Component in the*  
10 *newly established directorate.”*

I would like you to create a synergy between paragraph 2 and 3, if you can?

**GEN MEIRING:** Honourable Chair, during 2009, the Directorate for Special Operations was dissolved through legislation and the directorate  
15 was replaced by the Directorate for Priority Crime Investigation. It was a totally newly established directorate, within the South African Police Service. Our functions, within the commercial branch, all commercial related crimes of serious nature and organised crime related matters. A component organised crime and a component commercial crime were  
20 transferred to this new directorate of special, of the Directorate for Priority Crime Investigations.

**ADV LEBALA:** Now, let us understand, there is a new entity called the Directorate for Crime Investigation that looks at commercial crimes and organised crime.

25 **GEN MEIRING:** That is correct, yes.

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ADV LEBALA: Now, during that period in 2009, something happens, comes the DSO. Just bring clarity there, about the relationship between the DPCI, that dealt with commercial related crimes and organised crime and the DSO that comes into, joining with the DPCI, if you can.

5 GEN MEIRING: Honourable Chair, I have, as I understand, within the, we were responsible for dealing with all commercial related investigations. Within the South African Police Service, we used, made use of a CAS administrative system. So, before we can start an investigation, we need to register a case on a CAS registration system.

10 So, we then, we refer that as a case number. But, the DSO dealt with projects, so there, they all, they had their own registration systems. During 2009, the DSO projects, with the dissolving of the DSO, the projects were transferred to either the commercial crime component or the organised crime component. Myself received all the commercial

15 related projects that were dealt with by the DSO. It was in the vicinity, all the DSO projects were in the vicinity, Chair, bear with me, I have not got the right figure at the moment, because I am retired and I have not had access now, to the number of projects that were transferred. But, it was in the vicinity of 260 projects, referred, transferred to either the

20 organised crime or the commercial crime. But, the commercial crime component received the bulk of the projects, Chair.

ADV LEBALA: Let us go to paragraph 4, because that is where we will start to appreciate this background that you have given the Commission. This is the paragraph headed:

25 *“Purpose of the sworn statement.”*

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And may I, just for the sake of completeness read it?

*“The purpose of this sworn statement is to provide the Arms Procurement Commission with a summary of the information, intended to be submitted by me, during the hearing of the Commission.”*

5 In paragraph 5 you start to deal with this summary. Before we even go to paragraph 5, perhaps the theme of your testimony has to come at this stage, at the outset. Were you directly involved with the investigations, in as far as the strategic defence procurement packages are concerned? I know that I am not pre-empting a question. You have  
10 explained to the Commission that the DSO, Directorate of Special Operations was transferred into a unit, where you were, you were a commander, let me say, which means that, when that transfer came, the SDPP's the packages then, came into that section. Am I right?

GEN MEIRING: Yes, honourable Chair. I was not directly involved in  
15 investigations. As my position refers, I was the head of the component. I was responsible for strategic direction, in forming, training and managing all the outcomes of investigations, if I answer your questions correct.

ADV LEBALA: This is very important, because I would not like to  
20 waste the Commission's time. The Commissioners are quick, I assure you, to appreciate the cogency of the witness's testimony at the outset. Now, are you telling the Commission that, when these 260 projects of the DSO came into this component unit, where you were head, were you not physically, directly involved in the investigation?

25 GEN MEIRING: Yes, honourable Chair.

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ADV LEBALA: Now, let us proceed. Paragraph 5.1:

*“After my appointment, the DPCI, we have already heard about that, at the end of 2009.”*

That is the time, when it coincides with the annihilation that is where the  
5 Directorate of Special Operations was done away with. Am I right?

GEN MEIRING: That is correct, honourable Chair.

ADV LEBALA:

*“The commercial related projects that resulted under the Directorate  
of Special Operations and some of the investigators, who were  
10 previously attached to the DSO, were transferred to the commercial  
crime component with in the DPCI.”*

Now, what was the climate like, as at that time? You as the head, how  
did it work? Here comes the DSO, under which the strategic defence  
procurement packages were being investigated. It gets transferred to a  
15 unit, where you are the head and the other components that you deal  
with, as the head of the DPCI. How did it operate?

GEN MEIRING: Chair, as I understand the commercial crime  
component, at that stage, had roughly 24 000 cases of its own, spread  
nationally, throughout South Africa. Over and above our workload, that  
20 current workload, I received the biggest portion of the 260 odd projects,  
from the DSO, which then, included the arms procurement projects.  
With the projects transferred to us, we also received some of the  
investigators of the DSO. But, Chair, most of the experienced  
investigators of the DSO, left the DSO, during its either pre-dissolve, or  
25 after. So, the investigators that we received, within the commercial was,

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very few of them was experienced, because in the DSO the cases were managed by the advocates, the advocates from the National Prosecuting Authorities that were transferred to the DSO, when it started. So, we received only people that they task, most of the  
5 investigators were not in position of handling a case on their own. That was our difficulty that we received from the transferring of the projects and the investigators.

ADV LEBALA: Now, these distinctions are very important General Meiring, and I have got to be careful, not to testify. You are explaining  
10 what were the differences, when this, permit me to say, two entities matched, with the DSO coming under your command. Now, I would like you to tell the Commission that other than the numbers, for instance, you are saying the unit that has always been part of you, before the DSO came in, dealt with approximately 24 000 cases. Is that correct?

15 GEN MEIRING: That is correct, honourable Chair, honourable Commissioner.

ADV LEBALA: And you informed the Commission that there was a modus operandi that your section did. You opened cases.

GEN MEIRING: That is correct, honourable Chair. We were working  
20 with case dockets.

ADV LEBALA: Here comes the DSO, you informed the Commission that the DSO comes into your unit with 260 projects. But, I pick it up that the strategic defence procurement packages were just but a drop in the ocean, out of those 260 projects.

25 GEN MEIRING: Yes, honourable Chair.

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ADV LEBALA: And you mention some challenges that came with these 260 projects and the transfer of the DSO into this unit. Amongst them was that it appears that most of the experienced investigators, who managed investigation of the DSO were advocates and had left.

5 GEN MEIRING: Yes, honourable Chair. Over and above that, we did not receive an investigator per project that was transferred to us. It, there was not, at least one investigator per one project, transferring to our component.

ADV LEBALA: Would you like to simplify that?

10 GEN MEIRING: Just to bring it into perspective, seeing that we had 24 000 cases. My staff component was in the vicinity of 700. The DSO was, at that stage, more or less the same number of investigators, maybe a little bit less. But, I know it was more than 600 investigators. So, over and above our work load, we also received this project to be  
15 dealt with. The projects were major investigations, comparing to the case, some of the case dockets that we dealt with.

ADV LEBALA: Okay. Let us turn over to page 6. I beg your pardon, page 2, paragraph 6. I should not confuse the record, Commissioners. Page 2, paragraph 6. May I read it to you, general?

20 *“Colonel Johan Du Plooy was one of the officers, who had transferred to my component, as well as the arms procurement investigations. I placed Colonel Du Plooy at the serious economic offences unit.”*

I think, we have clarified this. Do you want to add anything?

GEN MEIRING: Just to add that we also had the serious economic  
25 offences unit, within the commercial crime component. The unit is

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based in Pretoria and it is a unit that operates also nationally. But, the unit only consists of 40 investigators, plus the commander, included the commander.

ADV LEBALA: Now, during that time, was there also another  
5 responsibility that was given to you, if any, around that time? Was there another unit, like a task team, if any, that you were also responsible to?

GEN MEIRING: Ja. During, honourable Chair, honourable Commissioner, during 2010, we also established anti-corruption task team. It was a task that was given to us, by Parliament, to deal with  
10 major government corruption cases. The issue was given to us, to deal with 100 cases, with 5 million and more corruption related and we had to conclude it, within three years, the investigations.

ADV LEBALA: Paragraph 7, we border on hearsay, but the Commission will understand the background, when we ask whether,  
15 were you doing physical investigations and direct involvement. Let me read it:

*“Colonel Du Plooy briefed me on the Armsdeal.”*

This word is unfortunate. I wish you could have called it the arms procurement, not Armsdeal. I do not know what it means. But, be that  
20 as it my, it is your statement.

*“The initial investigation into the arms procurement (that is correct) started during November 2000, by the former Directorate of Special Operations. He was part of the investigation team. He informed me that he focused only in one area of the investigation.”*

25 I think, you have testified to this. What we know is that, when the DSO

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came over, under your head, amongst the individuals who came, was Colonel Du Plooy and he briefed you, because you are not physically and directly involved.

GEN MEIRING: That is correct, honourable Chair, honourable  
5 Commissioner.

ADV LEBALA: Paragraph 8 ...[intervene]

CHAIRPERSON: I am sorry, Advocate Lebala, just for my own  
understanding. Colonel Du Plooy, you say Colonel Du Plooy informed  
you that he was concentrating only on one area of that investigation.  
10 Did he mention which area was that?

GEN MEIRING: Honourable Chair, yes, they mentioned the area that  
they worked on was the Shaik and the Corvette, Zuma, Thint leg.

CHAIRPERSON: Thank you.

ADV LEBALA: Thank you. The Chair's question has even simplified  
15 your testimony, as we go on, because it comes out clearly in paragraph  
9. Paragraph 8:

*"I requested him."*

Of course, you are referring to Colonel Du Plooy. Am I right?

GEN MEIRING: [Indistinct] that is right, honourable Chair.

20 ADV LEBALA: I beg your pardon, General Meiring, if I ask you a  
question, you have got to answer it, not to confuse the record. Thanks  
for drawing my attention. Draw my attention, if you want me to slow  
down, Sir.

*"I requested him to register case dockets for investigation for project  
25 BAE, British Aerospace and for project GFC, German Frigate*

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*Consortium.”*

Now, from this paragraph, it seems that there was a working method that was there, in a unit, headed by you, as against the method of the DSO that came under this unit, headed by you, in approaching how you  
5 deal with cases.

GEN MEIRING: Honourable Chair, yes, that is the, where I previously referred to the case administrative system. For us to, before we can start any investigation, we had to register a case docket. That is, this is the task that I gave to Du Plooy, to whilst he is now, within the South  
10 African Police Service, he has to register case dockets on his, on the two projects that he referred to.

ADV LEBALA: I am certain the Commission will appreciate why these differences are so important, as we go deeper. From your own edification, how did the DSO do it, if there was a different method in  
15 approach, in which they did it? We know that, under your wing, of course, you were part of the police. Here comes the DSO, where the investigators were advocates, it merges with you, headed by you. Under the police system, you say that cases get registered. How did the DSO deal with this?

20 GEN MEIRING: Honourable Chair, the DSO registered on their own systems a project, for each investigation. They also attached to a project, different legs, to simplify the investigations for them. But, we register one case docket for an investigation.

ADV LEBALA: Would I be right to say and it is incremental to what you  
25 say, the DSO deals with projects. But, under this entity that you headed,

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you always dealt with cases.

GEN MEIRING: Yes. We dealt with cases. There is also projects bill, within the South African Police Service, mostly dealt with by organised crime. But, for us to take a case to court there must be a case docket.

5 Even if we dealt with the investigation, under a project, there will always be a case docket.

ADV LEBALA: Now, that explains why you requested Colonel Du Plooy in paragraph 8, to register case dockets for the investigation for project BAE and the project GFC. Now, why was it necessary for  
10 Colonel Du Plooy to register these two projects?

GEN MEIRING: Honourable Chair, these are the two issues that he brought under my attention that needs the investigation.

ADV LEBALA: That what about other projects emanating from the strategic defence procurement packages? Because from what you are  
15 telling the Commission, there were other projects, other than these two.

GEN MEIRING: Honourable Chair, honourable Commission, these were the only two projects that was, that I was briefed on, for this purpose and that needs investigation.

ADV LEBALA: Ja. But, I am getting confused and now, I would not  
20 like it to be said that evidence leaders did not elicit sufficient evidence. Were there other projects, other than these two, emanating from the strategic defence procurement packages?

GEN MEIRING: Yes, Chair, there were other projects. But, as far as, he explained to us, the two that needs investigation was this, the two  
25 projects we referred to.

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ADV LEBALA: Now, who mentioned that only these two, despite the fact that the DSO came with a number of projects, who mentioned that only these two requires attention?

GEN MEIRING: Honourable Chair, as I explained, these were the two  
5 projects that, out of that 200 and, there were no other projects that came over, only these two, under the 260, as I understand it, referring to the arms procurement issues.

ADV LEBALA: Thank you, general. Let us go to paragraph 9:

*“Colonel Du Plooy pointed out to me that he was also new to the  
10 current investigations, as mentioned.”*

The fortunate part is, he is coming to testify. Now, I would not like the Commissioners to raise eyebrows that we are going into hearsay. Now, you mentioned, to the question raised by the Chair that the Shaik, Nkobi, Zuma, Thint, it is coming there.

*“Except for the Shaik, Nkobi, Zuma, Thint leg of the arms  
15 procurement investigations, very little progress was made, by the Directorate of Special Operations. They were responsible for investigating, until 2009, when the DSO was dissolved, by legislation.”*

In effect, what are you saying?

GEN MEIRING: Honourable Chair, I understand that the DSO dealt  
20 with the investigation, up until the, the 2009. As he explained to me, these investigations were also new to him. There was very little investigation done. He was not responsible for the two issues that we refer to. He was responsible for the Shaik issue, as I referred. Or the  
25 Shaik issues did not, was not transferred to us, to the South African

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Police Service.

**ADV LEBALA:** Okay. I think, this will come out clearly, as we read on.

Let us read paragraph 10:

*“Colonel Du Plooy advised me that the Armsdeal investigation had  
5 numerous different legs, of which the British Aerospace leg was  
investigated by the DSO, from 2000 to 2003, where after the  
investigation was stopped. No direct evidence of corrupt payments  
could be identified, in respect of the BAE leg.”*

We do know that you were informed and advised by Colonel Du Plooy.

10 Now, what did you do, as the head, when this detail was coming to you?  
What you are seeking to tell the Commission, I am picking up is that, as  
a unit that was responsible, to deal with this, as early as 2000 and that  
unit came on my side. It appears that this unit had challenges and I had  
other things that I was doing. You are saying, my, the unit that I am  
15 heading, had other challenges, other than this SDPP and these two  
projects that came with it. The DSO, which is under my command now,  
has been involved in this, since 2000. Is that in effect, what you are  
saying to the Commission?

**GEN MEIRING:** Ja. Honourable Chair, if you, if you can see that the  
20 DSO was responsible for the investigations and they had the time from  
2000, until up to 2009, to deal with these major cases and major  
projects. If you look at the DSO’s compliment and their resources, it is  
expected from, from special, Directorate for Special Operations to really,  
to deal with this in a more efficient manner, than to come up and stop  
25 the investigation in 2003. Then, later on, the issues were transferred to

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the South African Police Service and then, expect from us, with our resources now, to make that, in a quick space of time, to make major inroads to investigations that were dealt with them, for more than 10 years.

5 ADV LEBALA: But, general, that is where, I think, you have got to explain the following. There is a reason why the DSO was brought under your command and from the introductory paragraphs, with your expertise, one notes that a very experienced person is responsible for assuming, commanding the DSO, together with the commercial wing  
10 that you are responsible for. This gets brought under your command, irrespective of these challenges, that you are informing the Commission about. More was expected from you to do. Am I right? And there were resources, from what you are telling the Commission.

GEN MEIRING: [Indistinct].

15 ADV LEBALA: We will get, I beg your pardon. I should not mislead the Commission and the record. There were resources under this unit, the newly created unit. That is what I mean.

GEN MEIRING: Honourable Chair, as I explained before. The DSO was capacitated with more than roughly 600 investigators, including  
20 senior advocates, including forensic accountants at their disposal. Most of the senior investigators, prosecutors, left the DSO and senior advocates were transferred back to the National Prosecuting Authority. The forensic accountants left the DSO. There was only one forensic accountant that was based in Durban that was transferred to the South  
25 African Police Service. Our resources, if you look at our resources, as I

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explained, we had approximately 720 investigators, dealing with, dealing nationally with commercial crime. We had the responsibility to deal with this major arms procurement issues, plus the other projects of the DSO. But, we did not receive the resources that they had, to their disposal to  
5 deal with the projects that they were busy with.

ADV LEBALA: But, as a head and a commander, why did you not request the resources?

GEN MEIRING: The South African Police Service is a huge organisation, Chair. There are more than 200 000, 200 000 policemen.  
10 Our budget had to cover all the aspects of crime and not only commercial crime. We did receive our budget, annual budget and we tried to best, make best use of the budget that was allocated to us. There is no fountain that you can just tap on and you will get the funds, because funds are a scarce resource, within government.

15 ADV LEBALA: Now, before we part ways with this line of questioning, let us practicalize it. Between, let us recapitulate and go back, before the DSO came to be under your command. In terms of resources, between the DSO and the DPCI, before they matched, which one enjoyed more resources?

20 GEN MEIRING: Honourable Chair, the DPCI, the DSO was far better equipped and did receive the far better budget than the DPCI. Although, we in the DPCI, we also were more privileged than the rest of the South African Police Service components.

ADV LEBALA: Now, that is where the incremental question forms now.  
25 Here comes the DSO, the resources under your command. Why did

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you not request these resources, to follow the function that became under your command?

GEN MEIRING: Chair, General Dramat did make several applications, also to get the DPCI better equipped. But, if you take into account the  
5 200 000 police officers that need equipment. Although the head of the finances, General Schutte, did give us some allocations, it was impossible to give the allocation that was allocated to the DSO, to make that same allocation to the DPCI, seeing our huge organisation, the South African Police Service.

10 ADV LEBALA: Now, you have, you have mentioned General Dramat. I would not like us to be all over. Let us come back and have a sequence. You are a head. What is your relationship between you and General Dramat, at that stage? We are talking about, after the dissolution of the DSO and this unit that you are heading. What is your  
15 relationship, as at that stage, with General Dramat?

GEN MEIRING: Honourable Chair, honourable Commissioner, General Dramat was appointed as the head of the DPCI, when the DPCI was started. He was headed and he was my direct head and I was responsible to account to him.

20 ADV LEBALA: Okay. We are still on paragraph 9. Would you explain, we know that Colonel Du Plooy will come and explain it better? But, are you able to explain, especially line number two, paragraph 9, Commissioners.

25 *“Except for the Shaik, Nkobi, Zuma, Thint leg of the arms procurement investigation, very little progress was made, by the DSO.”*

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Why the Shaik, Nkobi, Zuma, Thint leg was given so much effort and progress was made in, are you able to explain that? Or only Colonel Du Plooy could explain that.

GEN MEIRING: Chair, I have to repeat that Colonel Du Plooy can  
5 explain it better than me. But, that was what I was informed about.

ADV LEBALA: Thank you, general. Following up on what you have said, in explanation, I draw attention to paragraph 10, the line number one, two, three. May I read it to you?

10 *“No direct evidence of corrupt payments would be identified, in respect of the BAE leg.”*

Now, we know that Colonel Du Plooy would come and explain. But, did you enquire from him, as to what was the basis of him, coming with this conclusion, if it was a conclusion from some investigation. Did you enquire from him?

15 GEN MEIRING: Chair, I accepted his word, when he explained to me that there was no direct, there was no direct evidence of corrupt payment, could be found at that stage, in respect of the BAE leg.

ADV LEBALA: I beg your pardon. I hope the Commissioners do not chastise me. My colleague was drawing my attention to something.  
20 You want to repeat your response, please general?

GEN MEIRING: Chair, as I said, he explained to me. I accepted his explanation that he, that there was no direct evidence of corrupt payments could be identified, in respect of the BAE leg.

ADV LEBALA: But, general, were you not expected to have done  
25 more, as the head of the unit?

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GEN MEIRING: Chair, coming in at such a late stage and you are not directly involved in the investigation, it is very difficult to get behind a major investigation of this nature. Seeing the background and coming from and all my responsibilities I had, I did not have the time to sit with  
5 Colonel Du Plooy on a day to day basis and go through his investigation, Chair.

ADV LEBALA: General, in all fairness to you, one appreciates the following that when the DSO came in, they have been doing investigation from the year 2000 up until 2009, the period of nine years.  
10 You had no sufficient staff, because some of the investigators and experts were gone. But, does it mean that you could not do much more, given the fact that the strategic defence procurement packages were very essential to our country, at that stage. Even to corruption, because there were allegations, not that it was true. There were allegations.  
15 Now, are you saying to the Commission, there was nothing that you could do, to do much more than believing what Colonel Du Plooy was reporting to you?

GEN MEIRING: Chair, me and General Dramat, we did weigh the options. We, if you look at the time lapsed in this investigation and you  
20 look at the DSO's responsibility to deal with this investigation, in 10 years' time, we had two options, to put a lot of resources into this and try and make a success out of the investigations, or to close the investigations. Yes, whether that decision is right or wrong, we opted for the decision to close the investigation. Because we were sitting with the  
25 issue of investigation, coming for 10 years, did not deliver results. Now,

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we are expected, from our resources, to make in roads, as I said, with my current work load, at that stage. Yes, I, it is expected from me to help. But, you cannot also expect the impossible.

ADV LEBALA: So, the issue of time and lack of resources made you  
5 to believe the report, by Colonel Du Plooy that no direct evidence of corrupt payments could be identified in respect of the BAE leg. Is that what you are telling the Commission?

GEN MEIRING: Chair, there is a, as he explained, but we must also see that in 2003, the also stopped the investigation. So, at that stage,  
10 this was his response, seeing that they also stopped the investigation.

ADV LEBALA: Just explain, that is a free floating statement that you are making. It must be connected with something. You are mentioning that they closed the investigation in 2003. Who are you referring to?

GEN MEIRING: Chair, we, honourable Chair, we referred to the  
15 Directorate for Special Operations, the DSO.

ADV LEBALA: Now, did that influence you also, to believe this statement by Colonel Du Plooy that no direct evidence of corrupt payments could be identified, in respect of the BAE leg, when they closed in 2003, their investigation?

20 GEN MEIRING: Yes, honourable Chair. You can accept, because if they stopped their investigation, there must be a reason for that.

ADV LEBALA: Ja. But, by the time they came under you, as the head, investigations were resuscitated.

GEN MEIRING: Yes, honourable Chair. As we explained in the  
25 statement, we also, there was also from the DSO also, received new

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information from the Serious Fraud Office in the UK. That caused that we, that they opened the investigation, on the BAE leg.

ADV LEBALA: I see, but up to so far, you have dealt with two things. You have already pre-empted the testimony way ahead. I think, it is speeding up things, that there was a time, when the investigation was stopped. But, we are focussing on what Colonel Du Plooy informs you about, lack of direct evidence, in as far as corrupt payments are concerned. But, let us go to paragraph 11. He, we are talking about Colonel Du Plooy on page 2, Commissioners, paragraph 11:

10 *“He alleged that during October 2007, Serious Fraud Office, from Brittain, SFO, furnished the DSO with the information, pertaining to its investigation it had conducted.”*

We will deal with Colonel Du Plooy on that one. Please do not agonise. Let us go to page 3, paragraph 12. May I read it, general?

15 *“Information submitted by the SFO to the DSO revealed that BAE paid huge commissions to agents, based in South Africa and outside South Africa, in order to secure contracts. These commissions were paid into offshore bank accounts.”*

But, general, it appears that you had some resources and basis to request more resources, to deal with this issue. From what I read and from what you are telling the Commission, remember you are telling the Commission under oath, with what you have written here, noting that this is information that is given to you, by Colonel Du Plooy.

GEN MEIRING: Chair, no, honourable Chair, we, as I explained, we had the resources to our avail that I explained previously, to the

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Commission. But, on the other hand, to obtain the information of offshore bank accounts, one needs to have a mutual legal assistance request. So, for us, even, although we can make the resources available, you still a mutual legal assistance request, to fulfil your  
5 investigations.

ADV LEBALA: I see, you deal fully with this issue of the challenge presented, by the MLA, what you call the mutual legal assistance. Next paragraph 13:

*“The SFO and the DSO started a joint investigation. The sharing of  
10 information, between the SFO and the DSO was informal and without use of mutual legal assistance processes.”*

Now, were you directly involved, as at that stage, or is this information, given to you, by Colonel Du Plooy?

GEN MEIRING: Honourable Chair, honourable Commissioner, this  
15 information was given to me, by Colonel Du Plooy. I was not part of the DSO.

ADV LEBALA: Paragraph 14:

*“The former Director General of the Department of Justice became  
20 aware of this informal sharing of the information arrangement and raised concern that this information was unlawfully obtained, since it should have been sanctioned by the International Co-operation in Criminal Matters Act 75 of 1976.”*

Is there a grammatical error, by any chance here? We checked this act, the other day, Co-operation in Criminal Matters Act 75 of 1976.

25 GEN MEIRING: So, I see, our legal services referred to 1996, but they

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may be wrong, Chair.

ADV LEBALA: Thank you. But, let us read on. This, I think, Colonel Du Plooy will be able to testify to. Am I right? If need be, if need be.

GEN MEIRING: That is correct, honourable Chair, if that is necessary.

5 ADV LEBALA: Ja. But, when these issues were unravelling as at that time, you get information. You already, the Commissioner appreciates that you get briefed by Colonel Du Plooy and you brief your head, General Dramat. Am I right?

GEN MEIRING: No, Chair, this happened, whilst the DSO was still in  
10 operation. All the issues that are mentioned in paragraph 12 to paragraph 15, it was only, I only received it from Colonel Du Plooy, to give a background on these issues.

ADV LEBALA: But, in your discussions with Colonel Du Plooy, when now, the DSO has come under your command, he did discuss these  
15 issues.

GEN MEIRING: Honourable Chair, honourable Commission. He did give me a background. As we said, we tasked him to open a case docket on the matter. Then, the issue of the mutual legal assistance became a major problem, for us, to take the investigation forward.

20 ADV LEBALA: That is where my question is. My question is, irrespective as to, at what stage was this detail prevailing, whether the DSO was still in operation or not? My question is, now you know about it. You discuss it with general, with Colonel Du Plooy, who was briefing you. Yourself and General Dramat, were you, privy in discussing these  
25 issues?

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GEN MEIRING: Honourable Chair, honourable Commissioner, yes, me and, I did discuss this with General Dramat. As explained, we had two options, whether to go fully out with the investigation and put a lot of resources into it, seeing that a lot of time lapses with the investigation, or to see whether we can, opted for closing the investigation, due to various reasons.

ADV LEBALA: Paragraph 15:

*“Colonel Du Plooy advised me that while the Department and Justice and NPA were resolving the problems, relating to the legality of obtaining the information, in terms of the act, time lapsed and three suspects in the BAE leg in South Africa passed away.”*

Now, we know that is what Colonel Du Plooy approached you about. Did you discuss this with your head, General Dramat?

GEN MEIRING: Yes, honourable Chair and honourable Commissioner.

ADV LEBALA: Paragraph 16:

*“The case was referred to the NPA for a decision, based on the following.*

*16.1 A long time had lapsed, since the alleged offences were committed. (I beg your pardon, paragraph 16.1, may the record reflect.)*

*16.2 An MLA request had not been issued.*

*16.3 The investigation was in the beginning stage.*

*16.4 Three suspects were deceased.*

*16.5 The SAPS was not in possession of a MLA and there was a large part that had to be investigated abroad.”*

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Now, I am going to simplify this, by asking you have you discussed this with General Dramat?

GEN MEIRING: Yes, honourable Chair, honourable Commissioner.

ADV LEBALA: Now, are you able to tell the Commission, what came  
5 out of, we know that there is an issue of the case, being referred to the  
NPA. You have mentioned to the Commission. I am certain that every  
body starts to appreciate that the modus operandi that you did, was to  
open cases. Now, even this leg of the investigations, where the DSO  
came in, cases had to be opened. Then, a case gets referred to the  
10 NPA. Now, let me understand, who advised that the case should be  
referred to the NPA?

GEN MEIRING: Honourable Chair, honourable Commissioner, I  
advised Colonel Du Plooy, seeing that we do not make any progress  
with the investigation, to refer it to the NPA for a decision, because our  
15 biggest problem that we experienced was the issue that we could not  
obtain a mutual legal assistance request. Without a mutual legal  
assistance request, we cannot go ahead with the investigation. If you  
look at the issues of the investigations abroad, that we have to attend to,  
it is impossible to go ahead with the investigation.

20 ADV LEBALA: Now, it appears that up to so far, from your statement,  
there were three important issues. One, you were not getting the mutual  
legal assistance. Three suspects, in the BAE leg in South Africa had  
passed away and the insistence of the time lapsed, that the investigation  
was in the beginning stage. Now, I see, that you mention this in 16.3.  
25 What do you mean, because the DSO, which is under your command

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now, has been investigating since 2000 actually? They have been investigating since November 2000, yes.

GEN MEIRING: Honourable Chair, Colonel Du Plooy explained to us that there was not much investigation done, in the BAE leg and also the, 5 the German Consortium, Frigate Consortium leg. He said that, whilst we are taking over the investigation, he had to plan a total new strategy, in the investigation. So, and he referred to that as a beginning stage.

ADV LEBALA: But, general, was it not then a challenge presented to you, to do the investigations? We know the challenges that you are 10 mentioning that time has passed, there were no resources. You had no sufficient investigators. That is where my issue, our issue comes, that why did you not request these resources. We heard that there were challenges. You say, you are not only dealing with leg, of the investigation. You say you had 24 000 cases, 260 projects, you had no 15 man power. But, why, as a commander and a head, yourself and General Dramat did not decide to request, whoever the decision makers are, including National Treasury, to give you funding, to focus on this?

GEN MEIRING: Honourable Chair, honourable Commissioner, but still, the time that lapsed, for us to secure evidence and to make a success 20 out of this investigation, we were of the opinion it is bleak, so to put in resources after such a long period past that it is very difficult. That was our opinion. That was our decision, at that stage.

ADV LEBALA: Was it your opinion, with your leader, your head, General Dramat?

25 GEN MEIRING: Yes. Because I made the recommendation, then he

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closed.

ADV LEBALA: Now, you testified that it became clear that the DSO did not do much investigation. Are you talking from the period November 2000, up until they were dissolved and came under your command?

5 GEN MEIRING: Yes, honourable Chair, honourable Commissioner.

ADV LEBALA: What informs this conclusion or remark?

GEN MEIRING: If you look at the NPA 2, when they received the investigation, they received the case docket, they commented on, by stating that it was totally incomplete. There was a big period of time that  
10 lapsed, without any investigation given, to these specific issues.

ADV LEBALA: Let me get some clarity. It appears that there was also some external influence, impacting on you and General Dramat. What has this got to do with the NPA? I thought that you and General Dramat, in terms of separation of powers, you are working for the police and you  
15 are not at the stage, where you can talk to the prosecution, because the matters were not ripe yet. Why then, do you want to be tainted or influenced, by the thinking of the NPA? Unless you want to explain the processes that were prevailing, in as far as this issue of the strategic defence packages were concerned.

20 GEN MEIRING: Honourable Chair, we referred the case to the NPA, because the lack of MLA request, issued to us. So, as we explained, most of the investigations were abroad. We cannot proceed without an MLA in the matter.

ADV LEBALA: Okay. Let us go to the last page. I am certain that we  
25 will be able to deal with, complete your testimony, before lunch.

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Esteemed Commissioners, we note that it is five to twelve. We have not taken a tea break. We are in your hands.

CHAIRPERSON: I think, we can proceed. Let us hear how far we can go and then decide later on, whether we take the tea adjournment or  
5 not.

ADV LEBALA: General, we are on page 4, paragraph 17. You have explained how the NPA came into the picture that, of course, you say you prepare, the case gets referred to the NPA. But, the NPA also came into the picture, because there was a request for the MLA, which was  
10 not coming. Now, we are in paragraph 17, page 4:

*“The NPA was of the view that the investigation was incomplete.”*

You have explained that:

*“That the investigation did not receive attention for a lengthy time period and it would be, it would take a considerable long time to finalise  
15 the investigation and the State would have to deal with the issue of a speedy trial.”*

Now, were you and General Dramat, in the context of what has been said, I do not want to de-contextualise it. I am asking about you. I see that it goes to the NPA, but you and General Dramat, from what you are  
20 telling the Commission, you have been thinking and applying your mind, from what you are saying, or thinking or considering. Now, when this was prevailing, what was going on, between you and General Dramat? We know that Colonel Du Plooy was briefing you and you were briefing your head. If I have lost you, feel free, I could repeat it. But, you will  
25 appreciate, if you appreciate the theme of paragraph 17 and I will repeat

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it, general. I know that you do understand my question. But, if you do not, please feel free to draw my attention. I will repeat it.

GEN MEIRING: Honourable Chair, honourable Commissioner, we, now we used that portion of the speedy trial also. We took that also,  
5 into consideration, for one of the issues for closing the investigation, because, as the NPA also said the case will take a considerable time to finalise. Again, we must repeat, we are sitting here with 10 years already passed and we still say we are in a beginning phase of an investigation of this nature. Then, it became impossible and unbearable  
10 to continue with the investigation.

ADV LEBALA: Why did you not and General Dramat choose a task team to better advice you, because from what I get, unless I stand corrected, you get briefed by Colonel Du Plooy? You take what he informs you about, briefs you about. Your head, General Dramat, you  
15 discuss and consider with General Dramat. Why did you not, and given the critical importance of this subject of the strategic defence procurement packages, why did you not choose an independent task team to advice you on this subject?

GEN MEIRING: Honourable Chair, honourable Commissioner, we did  
20 also consult with the head of the Commercial Crime Courts, at that stage, whether to proceed or whether to close. Her advice also to us, that we are going to have a challenge with the issue of a speedy ...[intervene]

CHAIRPERSON: I am sorry, general, can you just pick up your voice a  
25 little, because we cannot hear you properly.

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GEN MEIRING: I will do so, Chair. Now, Chair, we did consult with, also with the head of the Commercial Crime Courts. She also raised the issue that we are going to be confronted with the issue of a Constitutional right of accused, seeing that 10 years already passed and  
5 there is no conclusion in the investigation. With, taking that into consideration that the case is still incomplete and a lot of investigation still has to be done. It will take us another five years. Then, if we prosecute anyone, we will have also to deal of issue of challenging the Constitutional right of accused, with the issue of a speedy trial.

10 ADV LEBALA: Who was the head of the Commercial Crime unit, by then?

GEN MEIRING: Honourable Chair, it was Advocate Glynnis Breytenbach.

COMMISSIONER MUSI: Sorry, can I, can I just chip in. I think, maybe  
15 we must have clarity here. If he talks of the head of the Commercial Crimes Court, he must be understood to say to a Magistrate.

GEN MEIRING: Honourable Commissioner, the Commercial Crime Courts, the name is the Specialised Commercial Crime Courts and not referring to he Magistrate, honourable Commissioner. That is the name  
20 of the unit, within the NPA.

COMMISSIONER MUSI: So, you are actually saying it is a prosecutor?

GEN MEIRING: Honourable Commissioner, we, I referred to the head of that unit, within the NPA.

25 COMMISSIONER MUSI: Okay. It is a prosecutor, you are saying

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[indistinct] correct?

GEN MEIRING: Yes, honourable Commissioner, she is the prosecutor and she headed that unit.

ADV LEBALA: You and General Dramat, did you test that advice of the  
5 head of the Special Crimes, Commercial Special Crime unit? Did you weigh it? Did you look at its merit? Did you test it? Did you go beyond seeking another opinion on it?

GEN MEIRING: No, honourable Chair. It was also known to us, as a fact, that the Constitutional right of the accused, that he can rely on a  
10 speedy trial, but confirming by the head. We would use it as one of the issues we had to consider, whether to go ahead with the investigation, or whether to stop it.

ADV LEBALA: Are you able to tell the Commission that, as at that stage, it appears that you seem to have been fully advised. But, why did  
15 you not go beyond and choose a task team, to advise you on all these advises you were gaining and to better inform you and General Dramat?

COMMISSIONER MUSI: But, Advocate Lebala, was it necessary, that he should get advice from other people? He is in charge. He is an expert in his field. He has got his own head there and he is also an  
20 expert in his field. Why must he get advice from other people? Is he not competent to take a decision, together with his senior and people around the unit?

ADV LEBALA: If, if one looks at the role that they were playing, they were assuming various responsibilities and of course, they already have  
25 a cap on, as the police. They are investigating. They ask for opinions.

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Was the last leg not for them to complete, by asking an independent task team, to advise them on what they gathered? That is all the questions, that is what all these questions are seeking to achieve, not discounting what you say, Commissioner Musi. Perhaps, if need be,  
5 when one makes closing submissions, one could look at what you are saying.

COMMISSIONER MUSI: Yes [indistinct].

ADV LEBALA: Thank you, Commissioner Musi. You have heard my question and the concern, raised by Commissioner Musi.  
10 Commissioner Musi says that you are the head and you were talking to General Dramat. Why do you have to go and seek further advice? I assure you that does not mean Commissioner Musi agrees with you. I think, he is testing, like I am testing. My question still remains, general. Why did you not go beyond? You are dealing with such a very important  
15 issue.

GEN MEIRING: Honourable Chair, honourable Commissioner. The final [indistinct] lies with General Dramat, the Act, the DPCI Act, gives him the powers to take on any investigation. Or to refer it back to any institution or to close an investigation. I am sure General Dramat, on his  
20 own, would have consulted with our legal, at that stage, Advocate Jacobs assisted General Dramat. I was not part of that. But, I made the recommendations and the final decision. I was not with him in the office, making that decision. So, I am sure that General Dramat, on his own, would have consulted with a legal team to make that final decision.

25 ADV LEBALA: Thank you, general, let us go to paragraph 18. We are

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in the injury time now, of your statement:

*“After consultation with the head of the Commercial Crimes Court.”*

Who was the head by then?

**GEN MEIRING:** As I explained, honourable Chair, it was Advocate

5 Glynnis Breytenbach.

**ADV LEBALA:**

*“Colonel Du Plooy and I submitted an information note to the Head of the Directorate for Priority Crime, with the recommendation to close the investigation.”*

10 Now, who played the significant role? I see that there are parties. There was consultation with the Commercial Crimes Court. There was commercial, Colonel Du Plooy and yourself. We will deal briefly with this information note. But, who made the final decision that recommendation should be made, to close the investigation?

15 **GEN MEIRING:** Honourable Chair, honourable Commissioner, that was my decision, the recommendation to General Dramat.

**ADV LEBALA:** Okay. I think, we can deal with the remaining portions of your testimony, by looking at the information note that you are referring to. Esteemed Commissioners, it is the free floating document, we referred you to. It has got six pages and I would appreciate the direction that you have it in front of you. Commissioner Musi, I see you are nodding. Chair? Thank you. Now, I want to draw your attention to the document headed, information note, in front of you. Do you have it, general?

25 **GEN MEIRING:** Yes, honourable Chair.

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ADV LEBALA: Let us start with the heading itself. We see that it is headed information note. It is directed to the Head, Directorate for Priority Crime Investigation. Who was the head, as at that time?

GEN MEIRING: Honourable Chair, honourable Commissioner, the  
5 head was Major, Lieutenant General Dramat.

ADV LEBALA: Let us, speeding up things. Let us look at the last page, six, at the bottom. We see the designate, Major General, Divisional Commissioner, Directorate for Priority Crime Investigation, JW Meiring. That is yourself. Am I right?

10 GEN MEIRING: That is correct, honourable Chair, honourable Commissioner.

ADV LEBALA: Now this is the information note, you are referring to in paragraph 18. Is that not so?

GEN MEIRING: That is correct, honourable Chair, honourable  
15 Commissioner.

ADV LEBALA: Now, why is it headed, information note?

GEN MEIRING: Honourable Chair, honourable Commissioner, it is a principal within the police that if we write to our superiors, we made use of an information note. It is an internal communication between a  
20 component and their not normally used, an official structured thereto, about the information note, because to inform him about decision, about issues.

ADV LEBALA: I see on page 1 and the last page it is not dated. Are you able to assist the commission in which time period it was prepared?

25 MR MEIRING: Honourable Chair and Honourable Commissioner it was

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during September 2010 unfortunately it was not dated.

ADV LEBALA: I assured the Commissioner that you have traversed pages 1 to 3 of this information. There is no need for us to repeat it. From what you say that it was prepared with a few to advise and it is an  
5 internal thing, how come it should be public?

MR MEIRING: Honourable Chair and Honourable Commissioner it was not information that was meant to become public. What happened was that at the end of January 2011 Mr, Mayner of the DA requested the [indistinct] of Police for disclosure of this information or information and  
10 we were instructed or our legal services were instructed to release this information. We first tried to decline it but at a later stage we had to make it available.

ADV LEBALA: I think we have traversed almost all the documents. I just want to deal with one or two specifics. If you look at page 3, paragraph  
15 3. I assure you that we reminded the Commissioners they would have long told me that I do not have to repeat it because you have traversed it and they have read it. I just went to deal with specific aspects. Page 3, paragraph 3. May I read it to you:

“We refer this report to you with recommendation to close the  
20 investigation based on the following reasons.”

3.1 Traverses the genesis of the Arms Deal Investigation which was declared in November 2000. it is not that important, I think that I have dealt with it.

3.2 You say that:

25 “Several companies involved in this matter do not exist anymore and

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this will cost even further problems regarding the obtaining of evidential material.”

That is where my question is. Why do you bother about those who do not exist. Why should you not have been bothered about those who  
5 exist?

MR MEIRING: Honourable Chair and Honourable Commissioner, the company that do not exist is problematic to obtain material evidence from them. It is not to say that you exclude the ones who exist. It is to mention the difficulty the difficulties you experience when the company  
10 do not exist anymore.

ADV LEBALA: Let look at page 4,

3.3 “Some of the employees are not employed at the companies and the institutions and it would be very difficult to obtain the necessary information from these companies or institutions. It would also be  
15 difficult for witnesses with access to data basis and files in order to identify applicable records for evidence.”

This explains general that there is no simple investigation. Are you saying that because of this information not discounting what you are saying and the reasons. I am just trying to assess and understand that  
20 which assisted you to come to your conclusion. From what one see in paragraph 3.3 it appears that yourself and General Dramat or you in making this recommendation and consideration anticipated easy investigation?

MR MEIRING: No, Honourable Chair and Honourable Commissioner  
25 this information was made know to us by the investigator Colonel Du

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Plooy. It all impacts on seeing that the case has already been delayed for 10 years. This is the issues that we are going to go through trouble to obtain evidence. It is not impossible but this could also be a part of a delaying factor in future investigations.

5 ADV LEBALA: Yes but that is the purpose why you were made to head this unit. That is the challenge that is presented by any investigators. am I right?

MR MEIRING: Ja but normally the challenge would be you would experience this is a fresh investigation that you can plan and that you  
10 can address at the early stage of the investigation. Not at the end coming to an investigation and then only start seeing that, that investigation is in the beginning phase and you still also sit with these problem issues.

ADV LEBALA: Page 4, 3.4, esteemed Commissioners:

15 “Many of the witnesses are in countries abroad and needs to be interviewed to determine whether they can provide information to substantiate the allegations, this can be an obstacle.”

MR MEIRING: Honourable Chair and Honourable Commissioner you stil, you need and MLA to obtain or to interview witnesses abroad. You  
20 need all their full particulars and you need what they have to say before you can interview them. You cannot just apply to legal assistance without having the necessary information for the request.

ADV LEBALA: When this obstacles were being created by the lack of mutual legal assistance did General Dramat try to intervene?

25 MR MEIRING: I know the general did have discussions with NPA but I

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personally was not involved with generals issues.

ADV LEBALA: He did not refer, let us part ways.

.3.5 “It will be very difficult to obtain bank documents especially in the countries where offshore accounts are held and some of the witnesses  
5 can only be traced/located through these records.”

Arrangements could be made with foreign banks and maybe let me be unfair to you. Maybe I can be called to order. I assure you the Commissioners will never allow me to ask unfair questions. You are an investigator and you are aware that for instance if an account is held in  
10 the Swiss Bank we have seen it in African Countries where a leader takes money and puts it in a foreign bank. It gets to be accessible. If investigators in that particular country want it, I can think of a couple of Nigerian leaders whose accounts were frozen and given back to their country. What was the challenge with this. Was it still the MLA?

15 MR MEIRING: First you need the information on an offshore account full information to apply for MLA. I can assure you that it is not that easy to obtain information from banks. Not in South Africa and abroad. Banks are full disclosure now and in South Africa require a full affidavit from you and then you have to present it to court for the 205 otherwise  
20 you would not be able to obtain it. For that we need the full particulars of that account to be able to make that application.

ADV LEBALA: Then general then you are confirming which you had a responsibility to deal with your expertise and leadership as well as your seniority do not see what was the problem here. That is what you had to  
25 do, you had to investigate?

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MR MEIRING: I did repeat and I did explain myself Chair on this issue. Yes, although you have knowledge to do it. It takes time to obtain all this information of an offshore bank account. It is not saying that, that country is going to assist you because some of the offshore bank

5 accounts the different countries especially the Islands are also protecting their clients,

ADV LEBALA:

3.6 'Bank and company records are only kept for five years in terms of the legal provisions.'

10 I think this one we can go past.

'Although the issue of cost implications to conduct an investigations cannot be a consideration to close the then it should not be ...'

Was this a consideration before you and in what context?

MR MEIRING: Honourable Chair and Honourable Commissioner I

15 mentioned this issue to General Dramat because if we go ahead with the investigations there was a necessity to appoint forensic accountants. So we must make sure that we will be able to succeed at the end of the day. So it was not a consideration that I brought up under this attention as part of my recommendation but we could never consider the cost if

20 there is a chance of success.

ADV LEBALA: So the cost, success ratio became compelling. Now outside the forensic investigators, of course who are very costly were there no alternatives that you could consider, I agree with you, I assume to agree with you it is not for me to agree with you. I am not the

25 Commissioners applying their minds. Assume that I agree that it is

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costly because this issue would go for the KPMG, Price Waterhouse to assist. Were there no other alternatives to you?

MR MEIRING: The forensic accountants is one of the cost factors in this investigations. If you look at all the investigations that need to do  
5 what we have to do abroad. It is very costly it is not the only cost factor.

ADV LEBALA: Let us revert back to 3.6:

“Bank and company records are only kept for five years in terms of the legal provisions,”

Information technologies can unlock these records.

10 CHAIR: I am afraid that I am not sure on what basis you are making that assumption?

ADV LEBALA: I am handling it with care, Chair I assure we. We have technology today, even if it is erased it could be located. If the banks remove it and if they want to access it. If it was on their information  
15 records the IT specialist could locate ...[intervenes].

CHAIR: Let us get to the next point. Just leave that point for now.

ADV LEBALA: Thank you Chair. You have dealt with 3.8. There are currently no *prima facie* evidence against any person. Are you still, is that where you say in 2003 the NPA itself stopped the investigation and  
20 on the opinion of the head of the Special Commercial Crime Unit, Advocate Glynnis Breytenbach you considered and weighed as to whether there is *prima facie* evidence against any person on what Colonel Du Plooy advised you?

MR MEIRING: Honourable Chair and Honourable Commissioner up to  
25 this stage that we made the decision there was no conclusive *prima*

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*facie* evidence against any person.

ADV LEBALA: We go past 3.9, You have dealt with it and you have repeated it time and again.

“For the record, little investigation was conducted in South Africa and  
5 a team of dedicated investigators and prosecutors will have to be  
assigned to conduct the investigation. We have been harping and  
feeding on it for the past nine years and nothing was done. Little  
investigation was done by the DSO.

3.10, okay let us to go 3.13 page 5.

10 3.13 “Auditors would have to be appointed in order to investigate the  
flow of funds and the validity thereof. This can only be done once  
access has been obtained to the offshore bank accounts. Due to the  
time lapse we are also not sure whether this evidence will be available.  
Taking into consideration that forensic accounting investigators take  
15 some time to finalise, it would further impact on this case.”

This is second guessing failure. Was this tried and tested?

MR MEIRING: No, Honourable Chair and Honourable Commissioner  
this is part of the experience that we are presented with.

ADV LEBALA: 3.14:

20 “The fact that SFO (Special Fraud Office) in the UK of course had  
finalised their investigation with plea agreements with the directors of  
British Aerospace, will have an impact on our investigations. The  
agreements also did not include the South African part of the  
investigation and it would be very difficult to convince the directors to  
25 testify in South Africa.”

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Was this tested?

**MR MEIRING**: Honourable Chair and Honourable Commissioner it was not tested but experience tells us that if a person struck a plea agreement and if he was involved in any wrongdoing why will that  
5 director then come and testify in South Africa.?

**ADV LEBALA**: The same argument applies the same paragraph.

“The same argument applies to witness that immigrated or are living abroad. South Africa also does not have the jurisdiction to compel them to testify in South Africa, needless to say that they do not have to  
10 cooperate with the South African Police Services.”

3.16:

“The evidence now to be sought is old and stale and there would some difficulty in collection an collating some evidence now.”

If I may asked. Did you see the containers and what did you make out  
15 of it, if you did, if you did? I assure you. Let me say the following. I do not want to mislead you general. I assure you that up to so far the information that this Commission has led has demonstrated that with or without those containers we made a headway, speaking for myself and this team. I do not know what other evidence leaders think. I do not  
20 know what other people think and I have to be cautious when I handle this. Have you looked at the containers and if you did what did you make out of it?

**MR MEIRING**: My, the Commission asked us for an index and from our point of view it was impossible to give the Commission the index  
25 because we are of the opinion that those documents were literally

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dumped with the police in no specific order. Yes documents can be available. The test is if that documents are not derivative I do not want to say that the evidence before the Commission are derivative.

A lot of documents was referred to us that was marked between an attorney and client and that documents are confidential. Those documents are confidential and we made not take note of that content. We refer it back to the sender. As I said that documents in possession of the DSO was not marked or indexed. So we do not legality of even of that documents in their possession.

10 ADV LEBALA: Why did it present such a challenge to the investigators?

MR MEIRING: Because you have to go and peruse now all the documents. I understand from Colonel Du Plooy that is it 4704 million documents. So normally when you deal with documents that you search it is marked and it is properly indexed to ease your investigation. So for us if you look for a specific document now you have to page through 4.7 million documents to see where your material exhibit is lying. That is the very much time consuming.

If it was easy for Colonel Du Plooy he would have been in a position to give the Commission an index of all the documentation.

20 ADV LEBALA: Let us complete 3.16:

“Taking into consideration the time lapse and that the law request that company or bank records be kept for five years.”

We have dealt with it.

“Several companies does not exist anymore. The books and records will be difficult to trace and obtain.”

25

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3.17:

“A variety of reports written by the various working groups would have to be converted into admissible evidence. The evidence lead in the Shaik matter would have to be carefully studied individually and the evidence of the relevant individuals would have to be evaluated in as much as it is relevant to this matter.”

I do not see this as an obstacle?

MR MEIRING: Honourable Chair I must be honest this is one of the issues that Colonel Du Plooy made available for recommendation and I think that he is in a better position to answer this.

ADV LEBALA: It goes further:

“Approximately 460 boxes of documents and 4.7 million pages of documents must be perused and analysed.”

I am forced to say, ‘So what with [indistinct] so what of course they have too. The fact that they are scatter all over the place does not take that problem from what you say you are scattered and there are no order. With recourses to assist with this?’

MR MEIRING: Honourable Chair and Honourable Commissioner to go through this process of this number of pages perusing them and the time lapse it is a major obstacle for us. It is going to take a couple of years to work through this. We have not got the luxury of huge resources that can be made available for an investigation of this nature.

ADV LEBALA: Let me understand. If your unit was not dealing with 24 thousand cases. If 260 projects were not brought to your unit would it not have been easier for you to deal with this?

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MR MEIRING: It would be easier Honourable Chair and Honourable Commissioner but we must also still keep in mind that the DSO working with the 260 project at 600 investigators whilst we only had 720 investigators dealing with a much bigger portion of investigations.

5 ADV LEBALA: Let us go the last page.

CHAIR: [Indistinct] all dumped in a place like that, do you perhaps know if those documents were dumped there after being perused by DSO or not or do you know who dumped them [indistinct] DSO?

MR MEIRING: Honourable Chair the documents that we received from  
10 the DSO so we can only expect that they dumped it there. If the documents were indexed and then at least Colonel Du Plooy would have had a document with the necessary index that is available.

ADV LEBALA: Let us look at paragraph 6, page 6:

“Investigator was involved in the main Arms Deal for the past nine  
15 years. His experience was that some of the decisions that impact on the investigations/allegations were not documented in respect of government departments.”

Why is this a challenge?

MR MEIRING: Honourable Chair and Honourable Commissioner that is  
20 also one of the issues that Colonel Du Plooy under attention I think he would be in a position to answer this point.

ADV LEBALA: Paragraph 6:

“According to the investigator Colonel Du Plooy some of the  
witnesses that can assist to explain the reasons behind certain  
25 decisions are deceased and therefore make it an impossible task to

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counter defence strategy of the accused.”

I suppose Colonel Du Plooy would explain that. I just have two questions for you. Two remaining questions. Were you aware of any lack of political will that could have made you to recommend that the  
5 investigations should be closed?

MR MEIRING: No Honourable Chair my recommendations was my recommendations and no one ever asked me. I do it solely as my opinion that we sit here with a case that there is a big future to have any success. I made the recommendation to General Dramat.

10 ADV LEBALA: I have to be cautious in this question, it is the same question. They say never pre-empt the evidence. What if evidence come before the Commission and it might be through a witness that might be led by us, Colonel Du Plooy. At one time or the other that there was no political will, either from state agencies to assist to get the  
15 investigation going, that is why you also made this recommendation. Do you still insist that no, it cannot be?

MR MEIRING: Honourable Chair and Honourable Commissioner I still say that there was no issue that was in the [indistinct] of not to go ahead wit the investigation. I was led by the constitution and I was led by the  
20 Criminal Procedure Act and being led by the Police Act to do my work. That lay the foundation for my decision.

ADV LEBALA: Colonel Du Plooy we have 20 minutes, sorry General Meiring I beg your pardon. I learn with people of rank I cannot call you general and I apologise. The record will reflect. Is there anything that  
25 you want to say to this commission before you step down from the

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witness podium?

**MR MEIRING**: Honourable Chair and Honourable Commissioner I just wanted to say that the reason for closing this investigation is that the prospects of finding and securing relevant evidence after all these years are bleak and that any further investigation into the matter will leave us to start afresh. There was capacity and willingness although we have not got all the resources, capacity or willingness was not the issue. The issue of the time lapse caused us to make the decision. Whether it was right or wrong I made that recommendation to General Dramat. I thank you all.

**ADV LEBALA**: Chair that is the testimony from General Meiring from our side. I would not say that, that is his evidence subject to if anyone is going to cross-examine.

**CHAIR**: Is anyone interested to cross-examine the general?

15 **ADV CANE**: The [indistinct] will not cross-examine.

**CHAIR**: Any other. Advocate Cane, will it or will it not be cross-examine?

**ADV CANE**: It will not thank you Chair.

**ADV CILLIERS**: From my side there will be a few questions.

20 **CHAIR**: How long do you think it would take?

**ADV CILLIERS**: Not more than half an hour?

**CHAIR**: Any other person who might be interested?

**ADV MOERANE**: Chair we will take about three minutes cross-examining.

25 **CHAIR**: Mr [indistinct].

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UNKNOWN: Thank you Chair.

CHAIR: In that case, can I suggest that we break for tea for 15 minutes?

UNKNOWN: It is almost lunch Honourable Chair.

5 CHAIR: Let us adjourn for tea, I am sure that before 14:00 we will be done. General will that suit you then?

MR MEIRING: Yes, Honourable Chair.

CHAIR: Let us adjourn for 15 minutes thank you.

INQUIRY ADJOURNS

INQUIRY RESUMES

10 **JOHANNES WILLEM MEIRING: (s.u.o.)**

CHAIR: Advocate Moerane who starts first?

ADV MOERANE: General Meiring [indistinct] of the South African Police Services. You are [indistinct] for almost 41 years?

MR MEIRING: That is correct, Honourable Chair.

15 ADV MOERANE: Would it be correct to assume that during that time you have investigated numerous cases?

MR MEIRING: That is correct, Honourable Chair.

20 ADV MOERANE: Would I also be correct in assuming that in order to investigate you have to be able to make a docket that ends up at the prosecution.

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV MOERANE: In each case I take it in important cases you have to [indistinct] your opinion of the strength of the case to the prosecutor?

25 MR MEIRING: That is correct, Honourable Chair and Honourable

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Commissioner.

ADV MOERANE: Now in the investigation into the Arms Procurement matters that fell onto your lap from the Directorate of Special Operation you came to the conclusion sometime in September 2010 that the  
5 investigation should be closed?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV MOERANE: For that conclusion your relied to a large extent on what you have been informed by Colonel Du Plooy?

10 MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV MOERANE: By that time he had been investigating this matter for about 10 years?

15 MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV MOERANE: With regard to the case docket relating to the German Frigate Consortium Matter was that one of the matters that Colonel Du Plooy was investigating?

20 MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV MOERANE: He then knew and I presume this Glynnis Breytenbach who was heading the Crimes Unit came to the conclusion that there was no *prima facie* evidence against any person, I am referring particularly now to the German Frigate Consortium Matter?

25 MR MEIRING: Honourable Chair and Honourable Commissioner I

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cannot say that Advocate Breytenbach came to the conclusion that there was no *prima facie* evidence. That was revealed by Colonel Du Plooy to me. I was not in a position to peruse the investigation of such a nature that you see the investigation came for the past 10 years. I left it  
5 in the hands of Colonel Du Plooy he is a senior officer [indistinct].

ADV MOERANE: So in short you are saying that it was in fact Colonel Du Plooy who was at the head?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

10 ADV MOERANE: That it was conveyed to you and it was obviously conveyed to Ms Breytenbach?

MR MEIRING: Honourable Chair and Honourable Commissioner I am not aware that it was conveyed to Advocate Breytenbach. We discussed the matter as she gave us the issues of a speedy trial as a issue that we  
15 can reach to close the matter.

ADV MOERANE: In any event Advocate Breytenbach was also of the view that the investigation should be closed.

MR MEIRING: That is correct, Honourable Chair she as part with our deliberations with her senior [indistinct].

20 ADV MOERANE: [Indistinct] of the view that if the investigation had to be reopened it would take up to about five years to bring it to the conclusion for a decision to be made that anybody should be prosecuted?

MR MEIRING: That is correct, Honourable Chair it will take at least five  
25 years to finalise if you look at all the problems stated in my statement to

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obtain necessary evidence if there is conclusive evidence against anyone.

ADV MOERANE: Chair Commission that is all the questions.

ADV CILLIERS: General just a few general observations and first, the  
5 evidence leader Lebala kept on stating to you that when you took over  
the command of the DSO am I correct to understand the position that  
you never took over command over the DSO?

MR MEIRING: That is correct, Honourable Chair I took over command  
of the Commercial Crime issues that was dealt with in the DSO placed  
10 under my jurisdiction.

ADV CILLIERS: The DSO they dissolved they seized to exist. All that  
happened was that most of their projects had been transferred to your  
newly directorate the Directorate for Priority Crime Investigation?

MR MEIRING: That is correct, Honourable Chair and Honourable  
15 Commissioner.

ADV CILLIERS: Although they transferred most of the project to the  
new directorate they did not transfer the huge facilities that the DOS  
also to your new directorate?

MR MEIRING: That is correct, Honourable Chair and Honourable  
20 Commissioner. Especially we did comment on the comment on the  
issue of the budget for instance and the issue of the investigators.

ADV CILLIERS: I am actually referring to all resources, manpower;  
advocates; accountants et cetera?

MR MEIRING: That is correct, Honourable Chair and Honourable  
25 Commissioner. Even legislation was on their part. They had better

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legislation on their part to assist them with investigation whilst we have to go to the National Prosecuting Authority to gain the same benefits because they have the legislation [indistinct] themselves.

ADV CILLIERS: Yes I suppose the legislation empower to compel  
5 people to take the oath and answer questions?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV CILLIERS: The objective facts seems to me general were the following. I will go through it slowly and point by point and inform the  
10 honourable Commission if you disagree if any. The fact is that, I am going to put it to you on front. I am only dealing with the BAE component of the allegations not with the German portion. is that clear. My question will only be in regard to the BAE component of the investigation?

15 MR MEIRING: I have that.

ADV CILLIERS: Now the facts are the following if I am correct. First of all the DSO started an investigation into this component in the year 2000?

MR MEIRING: That is correct, Honourable Chair.

20 ADV CILLIERS: The DSO if I understand their position correctly they had huge resources available in order to assist them in this investigation?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

25 ADV CILLIERS: It appears from what I have seen from your statement

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that by 2003 they stopped the investigation in some extent?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV CILLIERS: That is now after approximately four years?

5 MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV CILLIERS: It appears to me that the reason for this approach was the fact that they could find no evidence, no direct evidence indicating any corrupt payments relating to the BAE leg of the Arms Procurement?

10 MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner. That is also my understanding.

ADV CILLIERS: That was expressly told to you by Colonel Du Plooy who was part of the DSO?

15 MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV CILLIERS: I want to read to you from a memorandum that Advocate le Roux from the DSO wrote on 4 August 2009. First of all are you aware that Advocate le Roux was the so-called project manager of this part of this investigation?

20 MR MEIRING: I am not aware of that fact Honourable Chair and Honourable Commissioner.

ADV LEBALA: Chair I am not trying to detract my senior colleagues in cross-examination. I think that I have a duty to protect this witness to an extent in which I could. If this colleague could make this document  
25 available to us. We would appreciate firstly it would benefit the hearing,

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it will speed up things. The witness will be better informed if he looks at it. We would also be looking at it. I think that it should be introduced. I think that is the appropriate way of dealing with it. In line with the basic principles in the law of evidence.

5 ADV CILLIERS: Mr Chairman this is part of the Commission's documents. We dealt with this specific memorandum for in some detail with some so-called whistle blowers during the cross-examination. This document is in fact part of the Commission's documentation. We obtained it from the documentation made available initially by the  
10 Commission. I only want to read a paragraph thereof. If necessary can, I am going to waste an hour or so to search for the document whereas I can read from the relevant paragraph from the document. If necessary we can assist our learned colleagues to get the documents from the annexure to the evidence that they lead.

15 ADV LEBALA: Chair let me assist my learned colleague. It is not about us we know what he is talking about. It is about this witness, senior colleague Cilliers. It is about the witness, not us. We are not important to the Commission the witness is.

CHAIR: Okay I think apart from that document we will hear from that  
20 document. If there is a need the witness can familiarise with that document.

ADV CILLIERS: I fully agree Mr Chair if the witness indicates or feel that he needs the document then we will provide it to him. General you heard the ruling by the Chairperson. I am going to read you a  
25 paragraph of a memorandum of Advocate le Roux she was the case

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manager from the DSO in this. It fully supports to what you say. It actually corroborates what you say. If you need to have regard to it please inform the Chairperson. In order not to waste time. Feel free to call for it. She stated in a memorandum on 4 August 2009:

5        “No direct evidence exist at this stage that influence the outcome of the bidding process (that is now to [indistinct] in general). What can be confirmed however is that he was particularly close to one of the main decision makers the then Minister of Defence, Mr Joe Modise and a crucial of the procurement process. This could have given him access to  
10        valuable information containing the to the bidding process and possibly also enable him to influence the process.”

So it is a very speculative statement that she made. It appears to purports what Colonel Du Plooy told you?

MR MEIRING: Honourable Chair and Honourable Commissioner I  
15        never heard this specific issue as explained to by the advocate now. Colonel Du Plooy talks about broad sense but not as explained the Commission I was not aware of the specific content.

ADV LEBALA: I think with respect. This is the second time that a  
20        senior colleague [indistinct] he must be careful to put assertions that calls for questions. I am not here to teach a maestro in this area. At best you should ask this witness a question, once you put an assertion which is incorrect you are misleading the witness and the Commission that is incorrect. At best he should say is, ‘is that what Colonel Du Plooy advised you about’ Do not put it as if it is positive. I object to this line of  
25        questioning.

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CHAIR: Thank you Advocate Lebala. [Indistinct] the quotation that Advocate Cilliers read does that accord with what you know about?

MR MEIRING: As I have said Honourable Chair and Honourable Commissioner no, the issue of there is no direct evidence was mentioned by Colonel Du Plooy but to specific people and the phrase that was quoted to me I was not aware of that.

ADV CILLIERS: Actually with respect it is a very easy question. You yourself said that Colonel Du Plooy said that there were no direct evidence of corrupt payments relation to the BAE leg. That you stated in your statement?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV CILLIERS: So clearly he never suggested to you that there was evidence of corrupt payments relating Advocate Hlongwane if that were so you would have told the Commission about it?

MR MEIRING: I can state that there was no direct evidence to corrupt payment but specific names I cannot deal with Honourable Chair.

ADV CILLIERS: It is a matter of inference. He told you that no evidence of corrupt payments could be identified by anybody that is what he said.

MR MEIRING: That is correct, Honourable Chair.

ADV CILLIERS: Clearly Advocate Hlongwane should be included in the phrase anybody?

MR MEIRING: If anybody that would include anybody Chair.

ADV CILLIERS: Otherwise you would have to explain to me why

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Advocate Hlongwane does not fall within the category of anybody?

CHAIR: [Indistinct] I think the general he says that he was told that nobody was [indistinct].

ADV CILLIERS: Thank you Mr Chair. It further appears from your  
5 statement general that what Colonel Du Plooy informed you about was the fact that there was some kind of cooperation between the SFO and the DSO in their investigations?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

10 ADV CILLIERS: If I understand the position correct that this included the fact that the DSO made available to us or the SFO made available to the DSO the facts that they became aware of during their investigation?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner because there was informal sharing of information  
15 between the two parties.

ADV CILLIERS: So if the opinion was expressed on behalf of the DSO that they could not obtain any evidence of corrupt payments that would actually include the position or the same position relating to the SFO?

MR MEIRING: That can be so Honourable Chair.

20 ADV CILLIERS: Do I understand the position further correct that Colonel Du Plooy was never involved in the investigation into the BAE leg of the Arms Procurement Process?

MR MEIRING: Honourable Chair during the period of the issues within the DSO I understand that he was not involved as explained to me. He  
25 is also new in this leg of investigation once the issues was allocated to

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us.

ADV CILLIERS: So you understand from Colonel Du Plooy at the stage when he was transferred directorate he actually had no personal involved and or knowledge of the BAE leg of the investigation?

5 MR MEIRING: Honourable Chair as he explained to me he is relatively new but he had the understanding of the whole procurement but this specific leg he did not deal with.

ADV CILLIERS: General am I believe to understand or I received as criticism by the evidence leader against you and or your directorate  
10 relating to the investigation. Am I correct to understand that you had to make a decision approximately in 2009 or 2010 or 2011 as to whether you would proceed with this investigation?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner it was 2010.

15 ADV CILLIERS: At that stage you had vast experience in the investigation of commercial crimes, not so?

MR MEIRING: I have some experience.

ADV CILLIERS: All that you explained in you note and to some extent also in your statement but all detail being a note that was handed in was  
20 the practical problems that would [indistinct] further investigation?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV CILLIERS: That does not display a lack of willingness and or interference from anybody. It is just practical difficulties that you  
25 informed your head General Dramat based on your vast experience in

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the investigations of this nature?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV CILLIERS: We have no further questions Mr Chair.

5 CHAIR: Any re-examination Advocate Lebala?

ADV LEBALA: Thank you esteemed Commissioners. General my question arises from what senior advocate asked you. Do you remember he talked of the duration and estimated five years approximately that it would take if you were to start this investigation bearing that the DSO started and stopped. Do you remember that?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

ADV LEBALA: You remember that you testified that the Arms Procurement Investigation was divided into several legs. In one of the paragraphs you mentioned that according to what Colonel Du Plooy told you he said more [indistinct] were made in respect of the Zuma, Shaik thing leg?

MR MEIRING: That is correct, Honourable Chair and Honourable Commissioner.

20 ADV LEBALA: Are you of the view that the Zuma, Shaik leg would also take five years to investigate if it was re-opened?

MR MEIRING: Honourable Chair I cannot comment on that because I have not got the knowledge and experience on that specific leg. As I said that leg was not transferred to us. I was not totally briefed only that that, that leg received the necessary attention.

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ADV LEBALA: Thank you counsels.

CHAIR: I think that is the end and we thank you very much for coming and giving us evidence. I am sure that your evidence will help us a very great deal. Thank you.

5 MR MEIRING: Thank you Chair.

ADV LEBALA: Chair we ...[intervenes].

CHAIR: Next will be Colonel Du Plooy and he will be here next week Monday. Can I suggest that we then on that day of Colonel Du Plooy [indistinct].

10 ADV LEBALA: Chair I am sure that Advocate Nbumbi will arrange better and better advise you on that part. I know that he [indistinct].

CHAIR: Thank you. We will then all adjourn until next week Monday morning at 09:00. Thank you.

**COMMISSION ADJOURNS**

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