[65.] In late 2002, Sexwale travelled to Baghdad, after he became aware that SOMO had officially ceased to demand payment of surcharges. The purpose of this visit was to lobby for an allocation. He was requested to make "*certain payments*". He was not prepared to do so. For this reason, Mocoh did not lift the barrels allocated in Phase 13.

[66.] Finally, Sexwale denies that he was "*a party to any surcharges*". He discussed the matter with Hacking after he was notified that the IIC was to be established by the UN, and again following the publication of the IIC Report. Hacking confirmed to Sexwale that neither he nor Mocoh had made any illicit payments to SOMO. Sexwale concludes by saying that if such payments were in fact made, they were effected without his consent.

[67.] **The facts and circumstances, as they currently exist, establish on the probabilities that oil surcharges were levied on Mocoh in respect of two oil lifts. The surcharges were paid, with Hacking's authority, in relation to the Second Mocoh Contract: i.e. in two separate amounts of Swiss Francs *viz.* CHF 424, 995, and CHF 555, 630.**

DOCUMENTATION FURNISHED BY THE IIC

[68.] Documentation furnished to the Commission by the IIC relates to contracts concluded during Phases 5 to 9.

could not be examined because of time constraints. Holden has no personal knowledge of the three transactions or the documentation.

[5.] Through Holden the Commission traced Michael Robert Upton ("*Upton*"), the former Divisional Managing Director of Reyrolle, and Mr WJ Pritchard ("*Pritchard*"), the former General Manager Business Development of Reyrolle. They are no longer employed by ABB or Reyrolle. Again Holden provided contact details. Comprehensive interviews with those involved in the contract of Reyrolle under investigation could not be carried out before 30 September 2006.

[6.] *Via* Mission records the Commission was able to trace and contact Mr Ricky Griffiths ("*Griffiths*"), the Export Development Manager of Reyrolle. The Chairperson interviewed Griffiths on two occasions. The latter stated that he was responsible for the presentation of tenders by Reyrolle *via* the Mission. He also prepared documents for submission to the escrow bank through the UN. **As will appear below some of his statements were factually incorrect.**

[7.] Griffiths informed the Chairperson that the shares in Reyrolle were previously held by NEI. Reyrolle operated from a site at the corner of Barbara and North Reef Roads, Elandsfontein, South Africa. The shares in NEI were purchased by ABB and a company known to Griffiths as Alston. Reyrolle then became subsumed as a division of ABB, known as Power Technology Medium Voltage ("*PTMV*"). ABB continue to operate from the Elandsfontein premises.