



JUDGES MATTER

**Judicial Services Commission interviews
2 October 2018**

**Gauteng Division of the High Court
Interview of Adv R Strydom**

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CJ M Mogoeng: If you could switch off, switch on your mic please? Are you well?

ADV R Strydom: I'm well.

CJ M Mogoeng: I hope you're not as nervous as I was when I first came for an interview like this?

ADV R Strydom: Probably more nervous.

CJ M Mogoeng: Let's try and ease it up. You did BCom, didn't you?

ADV R Strydom: Ja, that's my first degree was a BCom degree.

CJ M Mogoeng: And but you didn't follow it up all the way through to your master's program? There you did constitutional law and is it also corporate law that you did? Am I missing, constitutional law and?

ADV R Strydom: And corporate.

CJ M Mogoeng: I see.

ADV R Strydom: I did BCom and then obviously LLB and after that many years after the LLB, I did a, first the constitutional law LLM and after that I did corporate law LLM.

CJ M Mogoeng: Yes and you were a junior Advocate for some 30 years? Am I mistaken?

ADV R Strydom: Ja I was junior Advocate for quite a long period, yes.

CJ M Mogoeng: And senior for about 11 years?

ADV R Strydom: I became a senior in 2010 so it's eight years.

CJ M Mogoeng: 2010, I beg your pardon, why do I have 11 years here? I get, anyway I failed maths so it's not surprising. And your practise has senior Counsel, what is it, what was it primarily about?

ADV R Strydom: Ja, I had a general practice, but I did quite a lot of administrative law relating to tenders and then I also got involved as a Legal Advisor or a Legal Counsel for the Johannesburg Stock Exchange and then I did also administrative law matters and regulatory hearings and things like that for the JSE.

CJ M Mogoeng: Talking about tenders, on which side of all paves of SASA were you?

ADV R Strydom: Ja, know that case I was in involved until we went to the Constitutional Court on two occasions but when we lost, I was replaced.

CJ M Mogoeng: On which side were you? Just out of interest, not that there.

ADV R Strydom: Well the party that lost, CPS and I was for CPS.

CJ M Mogoeng: And I, there's something interesting about what you consider to be some of the, let me go to it, I mustn't miss out on this, but some of the cases you did which you consider to be important. I see that in relation to one of them, it's significance derives the fact that you cross examine Mr Ronnie Kasrils, why is it.

ADV R Strydom: Ja well, I thought I must take that out, but it was interesting times it was that hoax email matter which concerned previous President Zuma and it was a criminal matter and one of the witnesses was Minister Ronnie Kasrils at that time.

CJ M Mogoeng: Yes.

ADV R Strydom: And ja. It was just an interesting matter at that time and he was one of the witnesses, maybe it's not significant.

CJ M Mogoeng: Maybe or it is not? Is it maybe or is it really not significant that you cross examine the particular individual?

ADV R Strydom: No at the end of the day he was just another witness.

CJ M Mogoeng: Yes.

ADV R Strydom: Although he was a minister at that time.

CJ M Mogoeng: Okay, okay and for how long have you acted as a judge?

ADV R Strydom: Well I've been acting since 2011.

CJ M Mogoeng: Yes.

ADV R Strydom: And ja, so I've acted in total I calculated approximately 88 weeks and then I also finished part heard criminal matters and I estimated that I spend another 15 weeks during recess periods to finish those matters. So approximately in total I would say about hundred 100 weeks.

CJ M Mogoeng: Have you ever run a trial for a period that is or that was embarrassingly long?

ADV R Strydom: Well yes, I run a trial, a criminal matter in Palm Ridge, but that was long, I think we run for the term in that matter, there were 147 counts. I think there were 40, it's a serial rapist matter for a, 40 rape matters, with all the individual witnesses that came, it took a very long time and obviously I could not finish during that term and then I came back. I think it was January and I sat, when the parties were available to finalize the matter soon as possible. But it was all together a long trial, I think that the judgement ran into 174 pages.

CJ M Mogoeng: Yes.

ADV R Strydom: Which I didn't attach to my judgements, just so factual and long.

CJ M Mogoeng: Yes.

ADV R Strydom: That it's not one of the judgements I attached to the, to my application.

CJ M Mogoeng: Did you ever keep a judgement reserved for a long time?

ADV R Strydom: No.

CJ M Mogoeng: An acceptably long?

ADV R Strydom: No no no long judgements, I would say my average time to reserve judgement would be less than two months and in one or two cases, exceptional cases it would have been three months, but not longer than that. I try to get, deliver my judgement as soon as possible, because otherwise really one works double and forget the facts and you must do all the work again.

CJ M Mogoeng: Yes. And why do some colleagues struggle to do what you find so relatively easy to do? Some take as long as 12 months.

ADV R Strydom: I don't know why. [indistinct] But I can just imagine that they always have new work to do and then you put that case on the back burner and the longer it takes, the longer it take to get into that matter again, it becomes difficult and that will probably be the case that they have other work to do. I can't really say but I'm trying to avoid that.

CJ M Mogoeng: Where you're given a fair share of the work that was available to be distributed?

ADV R Strydom: Well no.

CJ M Mogoeng: As is the case with permanent Judges or where they sympathetic to the fact that you were acting?

ADV R Strydom: No, I think its bit of the other way around. Every time I act in Civil courts, I get my chance and opportunity which I appreciate, because it, I build up experience to do the opposed motion court and obviously for a Judge the opposed motion court in Pretoria and in Johannesburg and in Mpumalanga, that is the hard work. And then you get your 12 opposed motions and sometime you're lucky, some of those matters get settled or you can deal with it promptly. But if you strike it badly, if I can put it that way you may end up with six reserved judgement after that week and then the task is to start working and get those judgements out as soon as possible, because otherwise you'll have that situation that they will pile up.

CJ M Mogoeng: And finally how do you strike a balance between acting as a judge and being a practitioner, because part of the challenges has been that some of those who acts say that they are not able to finalize judgements, because they would have gone back to practice and practice doesn't allow them to complete their, to finalize their judgements.

ADV R Strydom: Ja, depend on how busy your practice his. What kind of matter you will have immediately after your acting stint. It may be that you walk into very difficult long trail, then I can understand that during that period you can't write that judgement. But one must use once time, effectively and it really is a question of planning and hard work. That's what it comes down to.

CJ M Mogoeng: JP?

JP J. Hlophe: Thank you CJ. Good afternoon Advocate Strydom.

ADV R Strydom: Good afternoon JP.

JP Mlambo: Just shortly, you've acted for a total of 88 weeks.

ADV R Strydom: Ja that was the weeks outside the weeks I used to finalise.

JP Mlambo: Yes.

ADV R Strydom: Part of that.

JP Mlambo: Part, ja. And the bulk of your acting stints have been in the criminal trial Courts?

ADV R Strydom: Ja, if one just look at the 88 and the criminal is 47, it's just little bit more than half of my matters I've done in the criminal Courts yes.

JP Mlambo: Am I correct that criminal law is your specialty?

ADV R Strydom: Well, when I started the bar, I had no other work, I started doing pro duo day a work and I did criminal work quite extensively.

JP Mlambo: Yes.

ADV R Strydom: For about 12 years. So after that I deliberately tried to get into civil work, and then I start doing civil work.

JP Mlambo: Ja. And am I also correct that, some of your criminal trial work has been on circuit?

ADV R Strydom: Ja, I've been acting quite a lot, well two terms I sat and Palm Ridge, but then I did quite a lot of work in Mpumalanga and I'm grateful for that. I asked JP to put me in Mpumalanga, because I like the area and I want to work there. So I did in circuit, I sat in many many small courts like Breyten, like Delmas, Sabie, about ten various places, White River now Mombela. Ja, I sat all over Mpumalanga criminal matters.

JP Mlambo: And you've done a solid 15 weeks in the opposed motion courts?

ADV R Strydom: Ja, that's a, that is the true experience for a judge, according to me, to sit in those courts under that pressure to do all that reading. To hear those matters, senior counsel, long heads of arguments. Ja, I sat there quite extensively.

JP Mlambo: Do you mind telling the commission about your efforts to establish a bar?

ADV R Strydom: Ja.

JP Mlambo: Sort of Advocated in Mpumalanga?

ADV R Strydom: When it become known that Mpumalanga will have his own division, about for four years ago, a couple of us got together to establish that bar. William Mokhari took the lead there and I was also in it with the late Advocate Jansen and we basically started the bar. We then got Chambers and it's now a running proper bar, although there was been,

there has been a delay in the opening of the Court there, the bar at the stage is now established and ready for action, if I can could.

JP Mlambo: Thank you CJ.

CJ M Mogoeng: Thank you JP, MEC?

MEC Magadzi: Thank you so much CJ. Sorry, I ask just a question for with to a wrong person, thought it was you. Apologies. I don't want to punish you with the deeds of your father, you know your father was a Judge.

ADV R Strydom: Yes.

MEC Magadzi: A very difficult Judge we must say. When it comes to transformation and the things that your father did, while he was on that bench, do you think that we should trust you with transformation?

ADV R Strydom: Well firstly I'm a different person, I've got totally totally different personality from my father. I've got my own mind and I've heard about things he did. I did not agree with all he has done, I in fact challenge him on a couple of occasions, as a son but, I believe I will do my own thing and I have different view all together and we live in a new dispensation and I'd totally accept the transformation and I will assist where I can also to transfer, transform the bench through my interpretation and application of the constitution and in dealing with matters properly.

MEC Magadzi: Which specific parts that you're father committed that today you're saying, you don't agree or you denouncing.?

ADV R Strydom: Well, it's a long time ago, I must now fresh my memory, you talking about 20 years ago. I think he became a judge in 1974, he was in Namibia for eight years and then after that he came to the bench in Pretoria and I think he already retired in 19 well I'm not exactly sure, 93 or something like that but they were, there was one specific matter which I was unhappy with and that related to a sentence he imposed in Polokwane on circuit and that is the matter I specifically remember engaging with him. Trying to get a feel why he did what he did. And ja, that's all I can say at this stage. Other specific instance I can't now relate, inform the commissioner about.

MEC Magadzi: I was trying to understand because you know, with that background, to some of us is very difficult to accept that you can advance the interest of a non-racial non-sexist society, when we know the father that brought you in this world, didn't share those aspirations. How do you convince us?

ADV R Strydom: Ja, all I can say is I cannot be responsible for what he has done, he lived in a different era, he has his own background, I have a total different background, I had many other influences, I became

aware of the constitutional democracy, I know the principles, I know the constitution, so all I can say is, I, although he brought me into life, I will not follow his thought and his thoughts and the way he did things and I must say, I'm not saying that all he has done, was bad, he was a Judge for onto 21 years and he also obviously according to me, did many or heard cases and work hard, so I just can't at this stage just say just negative things about him. But I will do my own thing and I will have my own mind and I have a different mindset than his.

MEC Magadzi: No, I take your point and as I said in my intro, I don't want to punish you for the deeds of your dad, but I just want to convince myself that indeed it's not a perpetration or continuation of something that was not right.

ADV R Strydom: Well, I can also just take it a bit further, that I've been acting since 2011, I've applied the law, I've sat on many matters, I had no problem what so ever with any person. There were no complaints that I'm hard or I've got a attitude that's wrong or that I a anti-government or anything like that, there's been absolutely nothing I felt that during my six years or seven years of a on and off acting, I did my best and I had no complaints and I written many many many judgements and all of those judgements has been accepted, I've never been taken while I've been taken on appeal once but that was upheld and I'm talking about approximately 100 judgements, which I've written over the years, without any problems.

MEC Magadzi: Thank you so much CJ.

CJ M Mogoeng: Thank you MEC, Justice Navsa.

J MS Navsa: Good afternoon.

ADV R Strydom: Good afternoon Commissioner.

J MS Navsa: I am particularly interested in one of the things that's listed in the comments on you. Were two things, related matters, one is your LLM in corporate law and then you're what's listed as being a legal advisor to the Securities Exchange for the last 10 years.

ADV R Strydom: Ja.

J MS Navsa: Can you tell us a bit about that? Because I'm interested in how perhaps your colleagues, who don't have that exposure if it is useful an extensive exposure, limited to the JSE could benefit?

ADV R Strydom: Definitely, the corporate law, the course included courses on partnerships and partnership law is quiet, it's common law, it's not easy. Then company law, although we study under the old companies act, it gives you the feel of how a company operates and all that and that, it assisted me a lot and then obviously also close corporation and

then the law of the stock exchange is also part of that course. And then if you want deals with stock exchange work, one must have a knowledge of the listing requirements and they've got various requirements. And it is quite complicated and has through the years but dealing with these kind of matters, I picked up that specific knowledge, which of, no or very few of the council at the Joburg bar, not even talking about other bars, will have that specific knowledge. So I think it can assist me if, obviously there is such a matter, it's gonna be easier for me.

CJ M Mogoeng: Commissioner Norman.

C T Norman: Thank you CJ. Sorry, good afternoon council.

ADV R Strydom: Good afternoon.

C T Norman: Thank you. You have indicated in one of the cases that you did, you've mentioned the Boy Ma Tong massacre case?

ADV R Strydom: Ja I did that matter, I think that matter, I was asked about long matters but that was a long matter, but as an Advocate I think we sat all together, on and off for two years or 18 months or Court time ja.

C T Norman: Yes, who did you represent?

ADV R Strydom: Well, the accused from the Kwa-Madala Hostel, who attacked Boy Ma Tong.

C T Norman: Yes.

ADV R Strydom: It was also on a [indistinct] basis.[00:20:30]

C T Norman: Yes.

ADV R Strydom: I was asked, in fact I was asked by the person who dealt with the [indistinct] case at that time, because I had experience, it was a big matter and I was asked if I would do the matter and I did the matter yes.

C T Norman: Yes and then, can I just direct you to page 13 of your questionnaire, where you dealing with financial and propriety matters.

ADV R Strydom: Page 13 of my...

C T Norman: Yes of your, of the questionnaire, it would be book 2 of 2.

ADV R Strydom: Sorry, I must now see. Is it, here it is. Page.

C T Norman: Yes, I just wanna understand what you mean there? You say there's a family farming business and again there's a holding company

and, but you don't want to relinquish you not gonna relinquish your directorship, could just explain exactly what this business is all about?

ADV R Strydom: Ja, this is a small farm owned, owned by my family that's me and the siblings, we inherited that farm. It is in a company, Opskud Beleggings Pty Ltd, it's the holding company, who's the owner of the farm and I'm the sole director, but it's only 30 hectares, it's not a farm, it's a smallholding where we try to make money, unsuccessfully up till now, but it's something that don't take my time, it's not like a big enterprise or something. I've gotta a manager on the farm and I pay the salaries and things like that but it's a small family concern and we planted Macadamia nuts now and see what we can achieve with that. That's what that's all about, it's really something small.

C T Norman: So what you saying is that you want to run that business, even if you are successful as a Judge?

ADV R Strydom: I really don't run the business at this stage, the trees are just growing, there's no crop, we've decided that as soon as we get into production with a Macadamia trees, then we'll have to appoint a manager to deal with that, but Macadamia nut farming is quite easy, that's why we've, I've chosen that, but it's, at this stage I get to the farm once every three months and further what I do is I, through the internet system, pay the salaries. It's not time consuming, it's not intense but if it gets to a stage that it needs more time and energy, then I will get, well I've got a manager but then we may get a second manager.

C T Norman: No, but I just want to follow that up with your lead CJ.

ADV R Strydom: Yes.

C T Norman: You want to run a business as a Judge, if your successful and then if your business takes off nicely after three, whilst you're still a Judge and you continue running your business is profitable and there's nothing wrong with that.

ADV R Strydom: No, no the thing is here, we are four children's, my stake in this is actually so small. It will never support me financially, so I want to become a Judge and I want to practise as a Judge as long as possible depending on my age. This business will continue on the side.

C T Norman: Yes.

ADV R Strydom: It won't take my energy and time, I don't foresee that I will retire and go sit on the farm. No, I'm not gonna do that.

C T Norman: Yes, but as a corporate Lawyer, you know the responsibilities of a director in a company?

ADV R Strydom: Yes, no I know the responsibilities.

C T Norman: So your responsibility is not just simply for you to be a party to a family business, but it goes beyond that, because you're accountable in terms of the company's law and your saying to us, that it will be okay for this body to recommend you as a Judge and you'll continue running this small business on the side, even if you're not running it, you have a manager, but you'll continue being a director in that business.

ADV R Strydom: Ja, it's a private company, it's not a limited company with shareholders and all that. Only the family members are shareholders. And I've got a brother, if I feel that he should now become the director, then he can be become the directed it becomes too difficult for me or if it interferes one moment with my duties as a Judge, I will not allow that and then I will ask my brother to be the director. It's just that we, one person had to be the director and I was more hands-on on relating the to running of the business than my brother, but if required and if it interferes with my work, he can become the director. It's just that the company must have a director, that's why we appointed a director.

C T Norman: Yes, thank you CJ.

CJ M Mogoeng: Thank you Commissioner Norman, Commissioner Singh.

C Mr N Singh: Thank you CJ. Good afternoon advocate Strydom.

ADV R Strydom: Good afternoon.

C Mr N Singh: Two questions, but I think the one is a bit technical, I mean it's probably an error. The certificate from the Society of Advocates which they've issued, which is in the pack, says that you were admitted as an Advocate in the High Court on 17th August 1993 and you have been a member of the society since 31 March 2018 to date.

ADV R Strydom: Sorry, I just, do you have a page, I just have a look at it, cause that's wrong.

C Mr N Singh: Ja.

ADV R Strydom: That is, that's not mine, I was admitted an Advocate in 1980 and become a member of Johannesburg bar, I think in June 1980 and I been there all along as a member of Johannesburg bar. And in 2010 I became a senior and I'm still a member of the Johannesburg bar. That's why I say I've been a member of the bar for 38 years.

C Mr N Singh: Ja, the certificate [intervene] the certificate is on, just before your first judgement in my book. Dated 22nd June 2018.

CJ M Mogoeng: That's the wrong Strydom.

C Mr N Singh: Is it the wrong Strydom?

CJ M Mogoeng: He's the first Strydom.

ADV R Strydom: Ja.

C Mr N Singh: Welcome to the club, right fine, fine, fine, we are mixing up the Strydom's here. No fine, and then, no thank you I'll rest my case.

CJ M Mogoeng: Thank you Commissioner. Commissioner Msomi.

C S Msomi: Thanks CJ. Council may I refer you to book 1 of 1, page 96

ADV R Strydom: Book 1, 96

C S Msomi: Paragraph 7.5.

ADV R Strydom: Ja.

C S Msomi: I'll just read it out to you and perhaps you may give us context as to what could have led to that comment being made? Two junior members raised issues about the candidate's approach to racial and gender inclusiveness?

ADV R Strydom: Yes, I.

C S Msomi: Have you been able to convulse what was that about and?

ADV R Strydom: When I read this, I was totally shocked, I don't know what it's all about. I have no idea two junior members I didn't work with any junior members lately and I found the statement confusing, because it says two junior members raised issues about the candidate's approach to racial and gender inclusiveness. Now I don't know what the drafts person of this document try to say, but I have absolutely not any idea and I was not involved in anything of the kind about race and gender, in fact this is the opposite in what I believe in. I believe in racial and gender inclusiveness, I've absolutely no issues, so I don't know what it's all about and yesterday when I read that again, I asked the Chairperson of the Johannesburg bar to try to find out what is this all about. Has there been a mistake about my identity because, there are also other Strydom's. I don't know. It was just and then I ask, wrote an email and said he must just find out, to give me context then at least I can consider that and prepare an answer and unfortunately, I did not receive any feedback. But I can give a guarantee to this Commission that, I've know nothing about it. I've been involved in absolutely no incident or no words nothing, I don't know where it comes from. It's out of context, because it's under the heading the extent and breath of the candidates professional experience and then it deals with my professional experience and then it says that I've been JSC's legal advisor and 7.6 again talks about the all pain in the middle of that that

statement, I was never asked by anybody to comment on that, to give my input, nothing. It's, I can't answer this.

C S Msomi: No, thank you so much. If I may ask this is your third time before the Commission, am I right?

ADV R Strydom: Yes.

C S Msomi: And you haven't lost hope?

ADV R Strydom: No, let me put it this way. During the previous interview I was obviously shortlisted, and I felt that I did not have a bad interview. I was asked about my aspiration to become a Judge in Mpumalanga and then I kept on acting as a Judge with the idea if those posts becomes advertised, I will apply for that and then I stopped applying for Gauteng but then it didn't happen and I kept on acting, acting and I reach the situation that I was neglecting my practice, I was acting quite often and then when these posts were advertised, I decided to apply for this post in Gauteng. I've also been informed that the Mpumalanga division will start some time in next year and that's if Judges of this division wants to be transferred, they will be able to apply. And I must still make up my mind if I will apply at that stage, I've been a Joburg all my life, I lived here, I worked in Gauteng, so I'm quite happy to stay in Gauteng. But if the opportunity arises, I may consider the applying for a transfer.

C S Msomi: How would you describe your tradition philosophy? I mean are you traditional activists? Do you exercise traditional restraint?

ADV R Strydom: Well.

C S Msomi: How would you characterize yourself?

ADV R Strydom: I would say the first thing is I believe in the constitution, I did take the course in constitutional law obviously that made me more aware of constitutional principles and my first philosophy is to apply the constitution and to ply law without fear favour and prejudice. My philosophy is that substance must prevail over form. My philosophy further goes that, I must be effective, see how quickly and effectively I can do the work and that is what I've been doing ever since I've been starting to act.

C S Msomi: The last question for me is that there are eight applicants for five positions, why should we consider you? Thank you.

ADV R Strydom: I have the experience. I've been at the bar long. I've acted extensively. I Believe I can the do the work. I believe I've done a good job at this stage with my background doing criminal matters. I can comfortably sit in a criminal courts. I am prepared to go on circuit which takes you away from home from for long periods, which is quite a lonely life, but I'm prepared to do that. So I believe that I can add value

to the bench through hard work and effective and cost-effective work, because it's also important to get to matters to finalisation especially in criminal Courts. It's so difficult to keep that Court running, there are various role-players there's the Prosecuting authorities, the Stenographer, the Police that must bring the accused. One must make sure and keep on telling the people we will start tomorrow at 10 o'clock and we will continue with this matter and we won't tolerate further postponement and that is what I can add. I get matters finalised.

CJ M Mogoeng: Commissioner Nyambi.

C Mr Nyambi: Thank you CJ. Afternoon.

ADV R Strydom: Afternoon Commissioner.

C Mr Nyambi: Are you able to speak any of the indigenous languages?

ADV R Strydom: No, I'm not able for which I'm very sorry. At school had Sotho as a subject and my lower grades, but I can't speak, but I've got a limited ability to greet people and things like that. But I can't speak, I can't speak Sotho or Zulu or any other indigenous language.

C Mr Nyambi: How do you relate to those people in the farm?

ADV R Strydom: Well we speak in English and to some extent in Afrikaans ja.

C Mr Nyambi: My last question it's linked to the one that was raised by the MSC. Anything that stand out as your personal contribution to try to heal a division of the past that you have done as you have indicated about your father but we're not going to use your father to judge you. Anything that stands out that want to share with us that you have made your personal contribution to respond to the preamble of South Africa the constitution in assisting the country to move forward, to heal the division of the past?

ADV R Strydom: Yes, what I've always been involved, I was part of pupil training. I was Examine criminal procedure act, criminal procedure the course, for many years. I contributed, I sat in the small claims Court, I contributed all these things obviously without a revenue relation. Since I became silk, I try to involve black junior counsel and I had limited opportunity do that, but not long ago I got that opportunity in one of the JSC matters and I got a previous disadvantage female in involved in the matter. Further through my judgment, my behaviour and my respect for people I live the constitutional dream and I hope through that I contribute to a better society.

C Mr Nyambi: But that was my last question, but I'm from Mpumalanga and my constituency is around that area and we don't have a farm where we have people that are that educated that they can be able to communicate in English and Afrikaans.

ADV R Strydom: But, ja my people's been, well not my people, the company's people but on our farms has been with us many for many years and ja we communicate. They grew up with us, we know them well, we trust them, it's, we can communicate in fact.

C Mr Nyambi: Thank you CJ.

CJ M Mogoeng: Thank you Commissioner Nyambi. Commissioner Schmidt.

C H Schmidt: Thank you CJ. On page 7 of your bundle of documents, paragraph 23, you refer to a contractual dispute between Mittal Steel and Sishen Iron Ore. When was it and what was the nature of the.

ADV R Strydom: That's also now about, I must now guess, about seven years ago. That was a huge dispute, originally there was a ISCOR and then it was unbundled in Kumba and later Mittal and there was supply agreement in terms of which Kumba would supply Iron Ore to Mittal at cost plus 3%, I remember that and it then became a huge dispute, because it was not lucrative for Kumba to produce Iron Ore and delivered to Mittal at that rate and at that time, their Iron Ore price worldwide rose and Kumba tried to get out of the agreement and there was a long dispute which I also didn't see through till the end, it was later settled and I was then not part of it any longer. But it was a quite a major matter at that time.

CJ M Mogoeng: Thank you Commissioner. Commissioner Fourie.

C Mr Fourie: Thank you CJ I've been covered thank you.

CJ M Mogoeng: Thank you. Commissioner Mpofu.

C D Mpofu: Thanks mister Chair, I'm also covered.

CJ M Mogoeng: Commissioner Malema.

C M Malema: I'm covered. [intervene]

CJ M Mogoeng: Thank you Mr Strydom. Your excused sir.

ADV ADV R Strydom: Thank you. [intervene]