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**FIRSTRAND BANK LIMITED'S STATEMENT**

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I, the undersigned,

**JOHAN PETRUS BURGER**

do hereby state that:

1. I am a director of FirstRand Bank Limited ("FirstRand"). During April and May 2016, I was FirstRand's Chief Executive Officer.
2. First National Bank ("FNB") is a division of FirstRand.
3. FirstRand has been requested to provide the Judicial Commission of Enquiry into allegations of State Capture, Corruption and Fraud in the Public Sector with:
  - 3.1. All correspondence between FirstRand and the so-called Interministerial Committee ("IMC");
  - 3.2. Any minutes and other documents relating to the meeting(s) held between FirstRand and the IMC as represented by Minister Zwane relating to the closure of bank accounts; and
  - 3.3. All correspondence including notes and minutes of meetings relating to the interactions between FirstRand and the National Executive Committee of the ANC regarding the closure of bank accounts.

*JPB*

4. On 22 April 2016, an advisor to the Minister of Mineral Resources, who suggested that she was acting as the secretary to the IMC that had been set up, sent an email to FNB's CEO inviting him to attend a meeting with the IMC, which FNB had been advised, was set up to "look into certain allegations made against certain financial institutions". A copy of this email is attached as "FNB 1".
5. In response, I on 23 April 2016 arranged for a letter to be emailed. I attach a copy of the covering email and the letter as "FNB 2.1 and 2.2". In the letter, I requested, amongst others, details of who on behalf of the IMC would attend the meeting, what specific allegations had been levelled against FNB and the nature and scope of the IMC process.
6. The Acting Secretary to the IMC responded by email on 24 April 2016, by indicating that she was not mandated to respond to the questions. A copy of her response is attached as annexure "FNB 3".
7. Consequently I arranged for a letter to be emailed to the Acting Secretary to the IMC on 24 April 2016 to advise that FirstRand declines the invitation to attend the meeting. A copy of the covering email and letter is attached as annexures "FNB 4.1 and 4.2".
8. On 4 May 2016, I received a further invitation by email from the Acting Secretary to the IMC to meet with the IMC on 5 May 2016 at 12h30. A copy of this email is attached as "FNB 5".



9. I responded to the further invitation by email on 4 May 2016. A copy of this email is attached as annexure "FNB 6". I indicated in this email that we would meet if all the members of the IMC were present and I also made it clear that while we could discuss the regulatory framework banks are required to operate within, we could not discuss specific client matters.
10. On 4 May 2016 I received a further email from the Acting Secretary to the IMC, a copy of which is attached as annexure "FNB 7". She advised that she was not mandated to respond to the queries raised in FNB 6 and they would be brought to the attention of the IMC the next day.
11. I attach as annexures "FNB8" and "FNB9" further emails that I exchanged with the Acting Secretary to the IMC on 5 May 2016, from which the following is apparent:
  - 11.1. At 7h17, I responded to annexure FNB7 by indicating that I would await a further response, once the Acting Secretary to the IMC had the opportunity to engage with the IMC regarding my email of 4 May 2016, which is attached as annexure FNB6.
  - 11.2. At 11h15, I arranged for my personal assistant to send a further email (annexure FNB9) to the Acting Secretary to the IMC recording that in the absence of a response to my emails, we are assuming that the meeting scheduled for 5 May 2016 would not take place.
  - 11.3. At 11h28, I received an email from the Acting Secretary to the IMC which read: "I refer to the exchange of emails below."
  - 11.4. At 11h32, I arranged from my personal assistant to send a further email



- to the Acting Secretary to the IMC to enquire if I could give her a call.
12. Since I had not received confirmation that all the IMC members would be present at the meeting that FirstRand was invited to, I declined the invitation to meet on 5 May 2016.
  13. Consequently, FirstRand is not in possession of any minutes or other documents relating to meetings between FirstRand and the IMC.
  14. I cannot recall the exact date, but on either 18 or 19 April 2016, while I was out of Johannesburg at a FirstRand strategy conference, I received a telephone call from Mr Enoch Gondongwana explaining who he was and that he was in the process of setting up meetings with the bank CEOs and the Secretary-General of the ANC, with regard to the closure of client accounts. He indicated that he would get back to me to arrange a time to meet when I had availability.
  15. On 20 April 2016, shortly after 10h00, I received an SMS from Mr Gondongwana requesting me to call him. I responded by SMS to point out that I was about to board a plane and I enquired if I could phone him later that afternoon. He responded by SMS with a "yes".
  16. In the afternoon of 20 April 2016, I called Mr Gondongwana. He indicated to me that he was following up on my availability to meet. I advised him that I was not in Johannesburg, and would only be available to attend a meeting with the ANC Secretary General, at Luthuli House on the 22 April 2016.
  17. On 21 April 2016, at 13h13, I sent an SMS to Mr Gondongwana to enquire who would be attending the meeting and what the agenda for the meeting was



so that I could prepare for the meeting.

18. I had not received a response and at 18h27, I sent a further SMS to Mr Gondongwana to enquire whether the meeting scheduled for 22 April 2016 was still on. He responded by SMS to indicate that the meeting was off.
19. FirstRand did not meet with the National Executive Committee of the ANC regarding the closure of bank accounts and is not in possession of correspondence and minutes of meetings between FirstRand and the National Executive Committee of the ANC regarding the closure of bank accounts.



**JOHAN PETRUS BURGER**

F-31

From: Zarina Kellerman <Zarina.Kellerman@dmr.gov.za>  
 Date: 22 April 2016 at 1:57:43 PM SAST  
 To: "irene.brites@fnb.co.za" <irene.brites@fnb.co.za>, "cgriesel@fnb.co.za" <cgriesel@fnb.co.za>, "jacques.celliers@fnb.co.za" <jacques.celliers@fnb.co.za>, "jcelliers@fnb.co.za" <jcelliers@fnb.co.za>, "CGriesel@fnb.co.za" <CGriesel@fnb.co.za>  
 Subject: INTER-MINISTERIAL COMMITTEE - CONSULTATION WITH FNB

Dear Mr Celliers

I have attempted to make contact with your offices telephonically but have not been able to do so.

As explained, as the Acting Secretary for the Inter-Ministerial Committee set up by Cabinet to look into certain allegations made against certain financial institutions ("the IMC"), I have been requested to make contact with yourself alternatively a suitable alternative with requisite authority, and request that you please make yourself available for a discussion with the IMC on Monday, 25 April 2016 at 10h30-11h00. There is no set agenda for the discussion but, I am advised, is anticipated to be a discussion to gain clarity on the current media reports. Should you be unable to attend in person, a teleconference call could be arranged.

Should the allotted time not be suitable, we will attempt to accommodate you accordingly. Given the nature of the matter and the sensitivities involved, the IMC apologises for the late notice but would certainly appreciate the engagement.

Should you not be willing to participate, please advise me accordingly so that I may indicate same to the IMC.

I look forward to your urgent response.

Sincerely  
 Zarina Kellerman  
 083 960 9188  
 012 444 3400  
 Advisor to the Minister of Mineral Resources and Acting Secretary to the IMC

9/3

FNB 2.1

**From:** Kleinhans, Melanie. On Behalf Of Burger, Johan (COO & CFO)  
**Sent:** 23 April 2016 1:56 PM  
**To:** 'Zarina.Kellerman@dmr.gov.za'  
**Cc:** Celliers, Jacques  
**Subject:** Re: INTER-MINISTERIAL COMMITTEE - CONSULTATION WITH FNB  
**Importance:** High

Dear Ms Kellerman

Please find attached our response to your email relating to the Inter Ministerial Committee consultation with FNB.

Yours sincerely



Johan Burger | CEO | FirstRand Limited  
4th Floor, 4 Merchant Place, Corner Fredman Drive and Rivonia Road,  
Sandton, 2196  
T +27 11 282  
1910 | [johan.burger@firstrand.co.za](mailto:johan.burger@firstrand.co.za) | [www.firstrand.co.za](http://www.firstrand.co.za)

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4/3

FNB 22



## FIRSTRAND BANK

Dear Ms Kellerman

1. Thank you for your email of 22 April 2016 addressed to the First National Bank ("FNB") CEO. FNB is a division of FirstRand Bank Limited of which I am the CEO.
2. We have noted the Inter Ministerial Committee which has been set up by Cabinet ("IMC").
3. Given the impending public holiday and that a number of executives are away, the FirstRand executive team is not available on Monday 25th April 2016.
4. In order for FirstRand to meaningfully consider the request for a meeting, we would appreciate if you would furnish us with the following:
  - 4.1 Who, on behalf of the IMC, will be attending the requested meeting;
  - 4.2 Exactly what allegations the IMC are looking into;
  - 4.3 What specific allegations have been levelled against FNB; and
  - 4.4 The nature and scope of the process by which the IMC will... "look into certain allegations made against certain financial institutions"?
5. Once we have received the above information, we anticipate that we shall thereafter be in a position to consult with our executive team regarding the meeting and preparation for the meeting with the IMC.
6. I would appreciate if you could let me have responses to the above questions by Thursday 28th April 2016. I will thereafter revert to you.

Yours sincerely

Johan Burger

For and on behalf of FirstRand

4 Merchant Place, Corner Fredman Drive and Rivonia Road, Sandton, 2196 | PO Box 650149, Benmore, 2010, South Africa  
 T +27 11 282 1808 F +27 11 282 8088 | www.firstrand.co.za | FirstRand Bank Limited registration number 1929/001225/06

Directors: LL Dippenaar (Chairman) JP Burger (CEO) WW Barlett AP Rufinger (Deputy CEO) MS Bornela P Cooper (alternate) JJ Durand GG Geirink PM Goss NN Gwaqwa PK Harris WR Jordis  
 HS Kellan (Financial Director) RM Louber EG Marenge-Sebesho PJ Makosholo AT Ndzimande D Pragnanarayan (India) BJ van der Ross JH van Gieching Company Secretary C Low

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FNB 3

**From:** Zarina Kellerman <[Zarina.Kellerman@dmr.gov.za](mailto:Zarina.Kellerman@dmr.gov.za)>  
**Date:** 24 April 2016 at 5:33:27 AM SAST  
**To:** "Burger, Johan (CEO)" <[Johan.Burger@firststrand.co.za](mailto:Johan.Burger@firststrand.co.za)>  
**Cc:** "Celliers, Jacques" <[Jacques.Celliers@fnb.co.za](mailto:Jacques.Celliers@fnb.co.za)>  
**Subject:** Re: INTER-MINISTERIAL COMMITTEE - CONSULTATION WITH FNB

Dear Mr Burger

As the Acting Secretariat for the Committee, I am not mandated to respond to the questions raised in your email under reply suffice to note the following:-

- a. The Committee is constituted by Cabinet; and
- b. Information shared during the session will stem from the media reports only and must of course be relayed to Cabinet for it to properly consider the media reports. Outside of that forum, all such information remains strictly confidential.

The venue for the discussion is as follows:-

Department of Mineral Resources  
The Office of the Minister  
4th Floor  
70 Trevenna Campus  
Building 2C  
Cnr Francis Baard & Meintjes Streets  
Sunny side  
Pretoria

The remainder of the contents of your email are noted and will be brought to the attention of the IMC at its sitting. Please confirm if FNB will be participating.

Sincerely  
Zarina Kellerman

FNB 4.1

**From:** Kleinhans, Melanie On Behalf Of Burger, Johan (CEO)  
**Sent:** 24 April 2016 11:45 AM  
**To:** 'Zarina Kellerman'  
**Cc:** Celliers, Jacques  
**Subject:** RE: INTER-MINISTERIAL COMMITTEE - CONSULTATION WITH FNB

Dear Ms Kellerman

Please find our further response attached.

Regards



Johan Burger | CEO | FirstRand Limited  
4th Floor, 4 Merchant Place, Corner Fredman Drive and Rivonia Road,  
Sandton, 2196  
T +27 11 282  
1910 | [johan.burger@firstrand.co.za](mailto:johan.burger@firstrand.co.za) | [www.firstrand.co.za](http://www.firstrand.co.za)

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J/S



FNB 5

**From:** Zarina Kellerman [mailto:[Zarina.Kellerman@dmr.gov.za](mailto:Zarina.Kellerman@dmr.gov.za)]  
**Sent:** 04 May 2016 11:12 AM  
**To:** Burger, Johan (CEO)  
**Cc:** Celliers, Jacques  
**Subject:** Further meeting of the IMC

Dear Mr Burger

The IMC is holding further sessions and I have been mandated to extend a further invitation to FNB to meet with the IMC on Thursday, 05 May 2016 at 12h30. I am now mandated to further advise as follows:-

- a. The IMC consists of the Ministers of Labour, Communications, Mineral Resources and Finance; and
- b. The engagements will take the form of a discussion with the bank's representatives. The scope of the discussions will centre around public comments made by FNB around the decision taken by the institutions to close the banks accounts of certain of its clients. Whilst Cabinet appreciates the terms and conditions of the banks, the acts may deter future potential investors who may want to do business in South Africa. Cabinet has endorsed that the Ministers open a constructive engagement with the banks to find a lasting solution to the matter.

I look forward to your response.

Sincerely  
Adv Zarina Kellerman  
Secretariat to the IMC



FNB 6

On 04 May 2016, at 7:20 PM, Burger, Johan (CEO) <[Johan.Burger@firstrand.co.za](mailto:Johan.Burger@firstrand.co.za)> wrote:

Dear Adv Kellerman

Thank you for your email.

Whilst we are prepared to engage with the IMC we can only do so on the following basis:

- Firstly, whilst we can discuss the regulatory frameworks banks are required to operate within, we will not debate any specific client-related matters. Please note that we have not made any public statements other than those relating to client confidentiality.
- Secondly, we will only meet with the IMC if all of the IMC members are present, in particular the Minister of Finance as he is the responsible minister for the legislative frameworks under which banks operate. We would like written confirmation of the Minister of Finance's attendance ahead of the meeting.

We look forward to your response.

Regards

<image001.jpg> | Johan Burger | CEO | FirstRand Limited  
4th Floor, 4 Merchant Place, Corner Fredman Drive and Rivonia Road,  
Sandton, 2196  
T +27 11 282  
1910 | [lohan.burger@firstrand.co.za](mailto:lohan.burger@firstrand.co.za) | [www.firstrand.co.za](http://www.firstrand.co.za)

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AB

FNB 7

From: Zarina Kellerman <Zarina.Kellerman@dmr.gov.za>  
Date: 04 May 2016 at 7:26:25 PM SAST  
To: "Burger, Johan (CEO)" <Johan.Burger@firststrand.co.za>  
Cc: "Dippenaar, Laurie" <Laurie.Dippenaar@firststrand.co.za>, "Celliers, Jacques" <Jacques.Celliers@fnb.co.za>, "Pullinger, Alan" <Alan.Pullinger@firststrand.co.za>  
Subject: Re: Further meeting of the IMC

Dear Mr Burger

Thank you for your email. As you know, I am not mandated to respond to your queries. They will be brought to the attention of the Committee tomorrow.

Sincerely



F-138

**Schoonbee, Loné**

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**From:** Schoonbee, Loné  
**Sent:** Thursday, May 05, 2016 11:32 AM  
**To:** Zarina Kellerman  
**Cc:** Burger, Johan (CEO)  
**Subject:** RE: Further meeting of the IMC

Dear Adv Kellerman,

Thank you for your reply. I think there is a misunderstanding, would it be possible for Mr Burger to give you a call?



**Loné Schoonbee** | EXECUTIVE PA TO JOHAN BURGER (CEO) | FirstRand Limited  
 4th Floor, 4 Merchant Place, Corner Fredman Drive and Rivonia Road, Sandton, 2196  
**T** +27 11 282 1347 **F** +27 11 384  
 3470 | lone.schoonbee@firstrand.co.za | [www.firstrand.co.za](http://www.firstrand.co.za)

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**From:** Zarina Kellerman [mailto:Zarina.Kellerman@dmr.gov.za]  
**Sent:** 05 May 2016 11:28 AM  
**To:** Schoonbee, Loné  
**Cc:** Burger, Johan (CEO)  
**Subject:** Re: Further meeting of the IMC

Dear Madam

refer you to the exchange of emails below.

Sincerely

On 05 May 2016, at 7:17 AM, Burger, Johan (CEO) <[Johan.Burger@firstrand.co.za](mailto:Johan.Burger@firstrand.co.za)> wrote:

Dear Adv Kellerman

Thank you for your email .

I will await a further response once you have had the opportunity to engage with the IMC regarding my prior email to you

Yours sincerely  
 Johan Burger

Sent from my iPad

On May 4, 2016, at 7:25 PM, Zarina Kellerman <[Zarina.Kellerman@dmr.gov.za](mailto:Zarina.Kellerman@dmr.gov.za)> wrote:

Dear Mr Burger

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Sincerely

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We look forward to your response.

Regards

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Sincerely  
Adv Zarina Kellerman  
Secretariat to the IMC

On 24 Apr 2016, at 11:44 AM, Burger, Johan  
(CEO) <[Johan.Burger@firstrand.co.za](mailto:Johan.Burger@firstrand.co.za)> wrote:

Dear Ms Kellerman

Please find our further response attached.

Regards

<image001.jpg> |

**Johan Burger** | CEO | FirstRand Limited  
4th Floor, 4 Merchant Place, Corner Fredman Drive and Rivoni  
T +27 11 282 1910 | [johan.burger@firstrand.co.za](mailto:johan.burger@firstrand.co.za) | [www.firstrand.co.za](http://www.firstrand.co.za)

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**From:** Zarina Kellerman  
[mailto:[Zarina.Kellerman@dmr.gov.za](mailto:Zarina.Kellerman@dmr.gov.za)]  
**Sent:** 24 April 2016 5:33 AM  
**To:** Burger, Johan (CEO)  
**Cc:** Celliers, Jacques  
**Subject:** Re: INTER-MINISTERIAL COMMITTEE -  
CONSULTATION WITH FNB  
**Importance:** High

Dear Mr Burger

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Sunny side  
Pretoria

The remainder of the contents of your email are noted and will be brought to the attention of the IMC at its sitting. Please confirm if FNB will be participating.

Sincerely  
Zarina Kellerman

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Burger, Johan (CEO)  
<[Johan.Burger@firstrand.co.za](mailto:Johan.Burger@firstrand.co.za)>  
wrote:

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FNB 9

**Schoonbee, Loné**

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**From:** Schoonbee, Loné  
**Sent:** Thursday, May 05, 2016 11:15 AM  
**To:** Zarina Kellerman  
**Cc:** Burger, Johan (CEO)  
**Subject:** Johan Burger

Dear Adv Kellerman,

In the absence of a response to Johan's emails of last night and this morning, we therefore assume that the meeting you referred to in your email of yesterday is not taking place.

Kind Regards



Loné Schoonbee | EXECUTIVE PA TO JOHAN BURGER (CEO) | FirstRand Limited  
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