

TRANSCRIPT OF INTERVIEW HELD AT LAW OFFICERS DEPARTMENT, MORIER HOUSE, HALKETT PLACE, ST HELIER ON THURSDAY, 12TH JUNE 2008.

CASE REFERENCE RLI02

TAPE 1 OF A BATCH OF 2

PERSON BEING INTERVIEWED: MR LEONARD DAY

PERSONS PRESENT:

MR GARY MURPHY	-	SERIOUS FRAUD OFFICE
MS BRENDA SMITHWHITE	-	SERIOUS FRAUD OFFICE
MS REBECCA BOXHALL	-	LAW OFFICERS DEPARTMENT

R BOXHALL: This is an interview taking place on the 12th June 2008. My name is Rebecca Boxhall. I'm assistant legal advisor at the Law Officers Department. I'm now going to ask everybody around the table to introduce themselves.

G MURPHY: Gary Murphy, I'm a principal investigator with the Serious Fraud Office in London.

B SMITHWHITE: Financial Investigator at the Serious Fraud Office in London.

R BOXHALL: And Mr Day.

L DAY: Leonard Day, accountant.

R BOXHALL: Okay. Thank you. Mr Day this is an interview which is taking place under the investigation of Fraud Jersey Law 1991. You have been served

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with a notice dated the 8th February 2008 requiring you to attend for interview. Under the law you are obliged to answer the questions which are asked of you. That includes the matters in respect of which you may consider yourself to be bound by a duty of confidence. Further I must caution you that it is a criminal offence to make any statement which you know to be false or misleading in a material particular or recklessly to make a statement which is false or misleading in a material particular during this interview. Do you understand?

L DAY: Yes.

R BOXHALL: Okay. Thank you. I'm now leaving the room.

G MURPHY: Thank you.

B SMITHWHITE: Okay. If we can-

L DAY: Can I make a first statement in relation to this?

I have never had any personal communication or know any of those people listed at all. I've never spoken to them, written to them and I've never had any communication with BAE Systems other than to receive the copy of the contract. That is my only contact with those people at all.

G MURPHY: Okay. And could you just pass that to me and I will just read out who those persons are?

L DAY: Yes.

G MURPHY: Okay. So you're referring to BAE Systems Plc, Michael Peter Rouse, Sir Richard Evans, Michael Turner, Julia Aldridge, Basil Hersov,

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Alan Curtis, Richard Freedman and David Cark.

Yes.

L DAY: I presume they were all BAE people but I've no way of knowing that.

G MURPHY: No. Okay. Right.

B SMITHWHITE: Okay.

G MURPHY: Thank you.

B SMITHWHITE: First of all, could I explain the purpose of the interview. The Serious Fraud Office is investigating the winning of the Hawk and Gripen contract which was part of the South African defence deal.

L DAY: I know nothing about that either.

B SMITHWHITE: Okay. BAE won that particular part of the defence contract. One of the advisors that it employed to win that contract under consultancy agreement was Commercial International Corporation which we'll call CIC for ease of reference. So this interview today is to cover such topics as the setting up of CIC, the administration, the banking and the role of others such as Hugh Thurston and Fana Hlongwane. And also thank you for supplying the documents and that's your receipt, a few months ago they've been very helpful.

L DAY: Right.

B SMITHWHITE: You've been given some advanced disclosure, the majority of which are documents that you have supplied to us but there's one or two documents which you won't have seen before probably.

L DAY: There's something, there's nothing in this

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contract with BAE and CIC that mentions South Africa at all.

B SMITHWHITE: Well we'll come onto your contract in a moment. First of all if we can start off with your professional qualifications.

L DAY: I'm a chartered accountant.

B SMITHWHITE: And are you, which body are you registered with? Is it the-

L DAY: The Institute of Chartered Accountants.

B SMITHWHITE: For England and Wales?

L DAY: Yes.

B SMITHWHITE: Okay. And in Jersey are you registered with the Financial Services Commission?

L DAY: Not now, I was at the time.

B SMITHWHITE: Right. And when did you stop being registered?

L DAY: Two, two-and-a-half years ago. Something like that.

B SMITHWHITE: Right. So that would have been 2005?

L DAY: No I haven't got a date.

B SMITHWHITE: Okay. And what about the history of your relationships with Doctor Thurston? How long have you known him?

L DAY: I've known him as a friend and we've worked together on different companies going back 30 years.

B SMITHWHITE: And was that in-

L DAY: I actually knew Bob Chapman better because I actually employed Bob Chapman.

B SMITHWHITE: Right. Was that in your own firm or part of another firm?

L DAY: I was running a big private trust and I employed

him as a bookkeeper.

B SMITHWHITE: Right.

L DAY: Yes.

B SMITHWHITE: And-

L DAY: That was back in the 1970s.

B SMITHWHITE: Right. Okay. And the work that you have done with Hugh Thurston you say it was to do with companies?

L DAY: Yes.

B SMITHWHITE: Yes. What type of thing was that?

L DAY: Mm-hmm. Well I don't think my other clients were of a concern of yours-

B SMITHWHITE: Oh no, no, no.

L DAY: -but-

G MURPHY: We are not interested in your clients. We're just interested in the type of work that you were involved in.

L DAY: Yes. Well we had a property company that owned property. It was a trust for a private family. There was, I mean where we first got involved was something called the A Group which was George Ainsley and the Ansbacher Group which is nothing to do with any of this.

B SMITHWHITE: Just get a bit of background.

G MURPHY: And what was your relationship in the property company? Were you sort of directors of-

L DAY: Co-directors.

G MURPHY: Co-directors. Yes. Okay.

B SMITHWHITE: Might come back to that a little bit later but if we can move on to CIC the company. What can you tell us about the history of the company

from your first involvement and if you know anything about its previous-

L DAY: Well my first involvement really was with when the two New Zealanders came in to it, which is this first one's nothing to do with me.

B SMITHWHITE: Right.

L DAY: It was-

B SMITHWHITE: Mr Miller and Mr Robinson.

L DAY: Mr Miller, yes. They came over here, I haven't got that on here. I was at the change from Mr Miller to Fana Hlongwane.

B SMITHWHITE: Mm-hmm.

L DAY: That's the stage, as far, the people in New Zealand, I never, the Thanos I never knew.

B SMITHWHITE: Yes.

L DAY: But I think from what I looked and saw the minute book the Thanos had used CIC as an investment company. Had no further use for it or retired or I don't know what they did but they passed it on to the two, the other, two New Zealand people who were friends of Hugh.

B SMITHWHITE: Right.

L DAY: I think when, they were going to use it. They came over, I actually got as far as due diligence on them, you know, I got their passports and address, which was all you required at that time for money laundering. And we had lunch together, that's the only time I ever met them and they said they no longer required this company and Hugh would arrange that a friend of his or a client of his would

take it over. That's when I became aware of Fana Hlongwane. I filed the notice changing the registered owner of the company with the Financial Services and I saw that in here somewhere. That was done right, I then, I got due diligence on Fana Hlongwane and I met him once, he came over to the island and took him down to the bank. I'd opened the account already but I took him down the bank so that they could do their due diligence on him and to arrange for a debit card. We only wanted him to have a debit card not a credit card, so that he could only spend the money that was in the account. We knew money was coming down under the contract. I was given a copy of the contract, it wasn't a signed copy, I think you'll notice.

B SMITHWHITE: Yes we obviously have obtained the papers from BAE Systems-

L DAY: So you've got the-

B SMITHWHITE: -but the paperwork was actually a bit thin. Perhaps not all of it there, but we'll come on to the BAE paperwork later.

L DAY: Well I don't know who negotiated that contract but I presume it was Fana who negotiated it directly with BAE. Why it came through a Jersey company I don't know whether BAE wanted it. I know roughly what I was told by Fana that, you know, if he put any remuneration into South Africa he wouldn't be able to get it out again and he needed money for travelling expenses and

that was the set up with CIC that he would receive remuneration in there, he could use it to pay his travelling expenses. And that was as far as I got. I saw the money coming in and saw his expenses going out.

B SMITHWHITE: Going back to CIC, the company belonged to the New Zealanders and then you said Hugh had someone else, presumably Fana that he-

L DAY: Yes.

B SMITHWHITE: -wanted to buy it for-

L DAY: I think they were going to use it for investment then decided it wasn't worth, I don't know, I don't know what their decision was, they didn't tell me.

B SMITHWHITE: And what did Hugh tell you about it? Can you remember?

L DAY: Just that the company was empty and that it would be a suitable vehicle for Fana to use. It was just an empty shell company.

B SMITHWHITE: And then I think the shares were transferred to yourself-

L DAY: Just as nominee for Fana.

B SMITHWHITE: -and your son as well.

L DAY: Yes.

G MURPHY: When was all this, Mr Day?

L DAY: Well here's a, this one I wasn't involved in but Thian obviously came to Jersey, I never met Thian. I don't know whether they were Jersey people or I've no idea was the Thane's were but. So that happened before my knowledge an-

G MURPHY: What, you're referring there to this is-

L DAY: The minutes of-

G MURPHY: -it's a meeting of the directors which is page one-

L DAY: Yes, that's 1997, yes.

B SMITHWHITE: But would that date be about right, 1997?

L DAY: I've no idea. They handed me the minute book and that was in it.

G MURPHY: Right.

B SMITHWHITE: Right.

G MURPHY: So this happened before your involvement?

L DAY: Before, yes. I mean later, only, I only got involved when Fana became involved when the other two New Zealanders handed it over and that's when I got all the statutory books.

G MURPHY: Right.

L DAY: And I got all the statutory books, that was already in it. This is my first involvement was November 1999.

G MURPHY: November 1999.

B SMITHWHITE: But just read out the reference of the page one. It's 013849000087 and you've now gone to page seven.

L DAY: Seven, yes.

B SMITHWHITE: Which is 014346000345.

L DAY: Yes.

B SMITHWHITE: And this shows the share transfers from Mr Robertson and Mr Miller to yourself and your son, Nigel.

L DAY: And that's when I notified Financial Services of the change of ownership. Which is the next document.

B SMITHWHITE: So this was your first involvement with CIC?

L DAY: Yes.

B SMITHWHITE: About November 1999.

L DAY: Yes.

G MURPHY: So-

L DAY: I think that must have been, that's probably the day I had lunch with Miller and Robertson.

G MURPHY: So how did you come to get involved, you said that was your first involvement, what was the build up to-

L DAY: Hugh Thurston just said would I be prepared to keep the books of the company for this client, Fana Hlongwane.

G MURPHY: Okay.

L DAY: Took me a long time to learn to pronounce that.

G MURPHY: Yes. It's Hlongwane.

L DAY: I thought it was Fana Hlongwane.

G MURPHY: No.

L DAY: Oh.

G MURPHY: We struggled with it for many years. So-

L DAY: Well that's what I called him.

G MURPHY: Yes. Yes.
Okay. So Hugh approached you.

L DAY: Yes.

G MURPHY: would that have been around about November 1999 or was that earlier?

L DAY: Yes. No he must have asked me about that time and I've, we actually held a meeting at his house with these people and I went to lunch with Miller and Robertson with Hugh.

G MURPHY: Right.

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L DAY: And after that it was, you know, would I act for Fana who was the beneficial owner of the company.

G MURPHY: Right. And what were you told about why the company was necessary?

L DAY: That there was a contract that Fana had a contract with BAE, that I'd get a copy of it, which I did and that he needed it to stop the money being sent to South Africa.

G MURPHY: BAE and he needed it to stop the money being sent to South Africa. Who told you that?

L DAY: Well he did not want earnings in South Africa. I can't remember whether Hugh or Fana told me but I only met Fana once so it must have been Hugh who told me because I didn't meet Fana till after-

G MURPHY: Till later. Okay.
And the money-

L DAY: You're asking a 73-year-old man to remember things 10 years ago.

B SMITHWHITE: Yes.

G MURPHY: I appreciate-

B SMITHWHITE: Future of this case so.

G MURPHY: I appreciate it's difficult. It's just-

L DAY: And I'm not very good at diarising because I've been semi-retired for years and you know I don't have to keep a time record.

G MURPHY: Yes. Yes.
So the money that was to go into CIC from BAE, do you know what that represented?

L DAY: I don't know if it was commission or I, or

reimbursement of travelling expenses, I don't know, I mean the contract provided for remuneration, it provided for a fixed remuneration but it didn't actually come in the same amounts as the contract said, I don't think. 'All commissions due will be paid eight weeks after demand'. And that was each commissions, well, 'Commission due to the consultant shall be calculated expressed. Commission shall pay commission in respect of the consultant's promotional activities'. That's all I read and then money came in. I mean I wasn't bothered about the money was coming from a very reputable company as far as I was concerned. I mean the top class company backed by the British government.

G MURPHY:

Yes.

L DAY:

And-

G MURPHY:

BAE you mean?

L DAY:

Well this is my vision of BAE-

G MURPHY:

Yes.

L DAY:

-a very reputable company and doing business as far as I could see with friendly nations. They weren't supplying terrorists or, so that seemed a perfectly logical thing. I've never met Fana I didn't know what his relationship was with BAE. I just accepted him for what he was and their representative, it doesn't actually specify the territories. I mean he travelled all over the place so whether he was on his own business or on their business I don't know. All

I saw were the debit card things coming through so I roughly knew where he'd been. But it didn't bother me it was his money he would spend it how he liked.

B SMITHWHITE: Okay. Going back to CIC, what was your role with regard to CIC, you said that Hugh asked you to look after-

L DAY: Just keeping a watching brief on the bank account really. The, I mean I didn't have any hand in the money coming in it just came in direct into the bank. I didn't get cheques and pay them in, it just came in.

B SMITHWHITE: So it's a-

L DAY: And I never negotiated how much it was so presumably Fana submitted some sort of a bill to BAE and they paid it.

B SMITHWHITE: So the records that you kept which have been very extensive and meticulous, you've got the bank statements and you've got some accounts that you've drawn up in-

L DAY: Yes I didn't even keep any ledgers I mean I've looked and I think oh no I didn't have any ledgers. I mean the bank statements were so simply I just drew up at the request of Fana, he said, you know, how are we doing and I drew up one set of accounts and that was the end.

B SMITHWHITE: And did Doctor Thurston have any contact with you about the administration of the account apart from the first-

L DAY: We talked about it and I'd tell him oh some more money's come in and that, no there was no

action, we didn't have to do anything, we just sat by and watched it come in and go out. But the bank never raised any queries on the money, which if they'd have been worried about it they presumably would have done. As far as I'm aware they never made any, you know, reports on the money coming in. As far as they were concerned if a perfectly reputable company paying in accordance with the contract. I don't think I ever showed them the contract. But they met him they did their own due diligence on him, so I remember he actually, you know, took his passport down and they photocopied it and I think he produced a utility, I can't remember that, I don't know whether, that time it was more a question of just getting an address and a passport.

B SMITHWHITE: And that was with Standard Chartered?

L DAY: Yes.

B SMITHWHITE: Okay. Did Doctor Thurston keep any records regarding CIC or was it just your-

L DAY: Not to my knowledge I had all, he doesn't like keeping records, he's just, you're the bookkeeper. Which I was.

B SMITHWHITE: And what involvement did Mr Chapman have with CIC?

L DAY: None at all. I think he was just the stopgap between the Robertsons, Robertson and Miller, he was just put on to, because the company required two directors. He never did another thing to my knowledge. I don't think he has any knowledge of

it at all.

B SMITHWHITE: Did you know who was paid £20,000?

L DAY: Who was?

B SMITHWHITE: Mr Chapman. From-

L DAY: By whom? Not by CIC.

B SMITHWHITE: No it came from one of other, from one of Fana's other companies-

L DAY: I've no idea.

B SMITHWHITE: I can show you something which wasn't in the bundle actually. For the tape it's 005681000442 and it's a handwritten not from Hugh Thurston to Johannes who was Johannes Matt and if you look at the bottom paragraph it indicates that-

L DAY: Westunity draw a cheque for £20,000 in favour of Chapman. Payment for purchase of Commercial International Corporation. Oh maybe Robertson and Miller were friends of Bob Chapman and not of Hugh, I assumed they were friends of Hugh. But I don't know, I never knew them, apart from that one meeting and I've no idea, I didn't know about that.

B SMITHWHITE: You don't know anything about the £20,000?

L DAY: No. I know nothing about these.

B SMITHWHITE: Okay.

L DAY: No. Nothing. Those figures look a lot bigger than anything I was dealing with.

B SMITHWHITE: But-

L DAY: If I remember rightly, and most of the things were coming through were like the 20,000 level into our-

B SMITHWHITE: Yes.

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L DAY: -bank account.

B SMITHWHITE: Yes. There was £18,750-

L DAY: Yes I see-

B SMITHWHITE: -every so often but then there was one payment of £140,000 in July 2000. Later on in the life of CIC Johannes Matt and Tremaco began to get involved. Can you tell us about that?

L DAY: Yes I don't know I mean I was asked to sign this contract between Westunity and CIC and I couldn't logically understand the reason that Westunity existed but it was Westunity who employed Fana and Westunity sub-contracted into us as far as I could see. I don't know whether BAE preferred a Jersey company to a Liechtenstein company, I don't know. Or whether it was just having the Jersey bank account for his debit card. I don't know; Liechtenstein was a bit of grey area around that time so maybe wanted to actually deal through Liechtenstein. I don't know. But I, it wasn't my business to know either. You know I was just.

B SMITHWHITE: Later on you were asked by Tremaco to send various company documents-

L DAY: Yes.

B SMITHWHITE: -over to them. Do you know why that was?

L DAY: No. As far as I was concerned it was a sort of second-hand request from Fana.

B SMITHWHITE: And you were happy to send them over?

L DAY: Yes. Yes.

G MURPHY: Did you ever ask anybody why the set up as you've just said, Fana to Westunity, Westunity

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to CIC.

L DAY: No I mean-

G MURPHY: Did you ever-

L DAY: I didn't know the reason for the compliment, I mean I've given you the only reason I know for CIC existing in the first place.

G MURPHY: Yes.

L DAY: And Westunity, it wasn't my business to know, you know, I mean I was paid to do one job, reasonably generously if Fana was, I fixed a fee that would cover director services and bookkeeping and that was it, it's all I ever did.

G MURPHY: Okay.

L DAY: I would say it was almost money for nothing because though I anticipated there being a lot more work but there wasn't.

B SMITHWHITE: If we can move on to the ending of CIC and the dissolving of Westunity. How did that come about, because the commission payments from BAE stopped in April-

L DAY: Yes.

B SMITHWHITE: -2002.

L DAY: I gather that was the end of that contract and said well there's no further use, Fana I think told me that you know, there's no further use would you please remit the money to Westunity. It's his money he could do what he liked with it.

B SMITHWHITE: And did he give you the instruction to dissolve?

L DAY: Sorry.

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B SMITHWHITE: Did he give you the instruction to dissolve the company or-

L DAY: Yes.

B SMITHWHITE: -is it-

L DAY: He just, as far as I remember it was him I was always taking all the instructions from but there were very little in the way of instruction. I didn't, you know, as long as his debit card kept going through he was quiet and... I didn't know, you know, whether he was a salesman or representative or promoter, I mean it was pretty ill defined in the contract. He was providing a service to a reputable company and getting paid for it. But...

G MURPHY: Yes.

B SMITHWHITE: Have you got anything more on CIC at the moment?

G MURPHY: No, not at this moment.

B SMITHWHITE: Can we move on to the agreement with BAE? You said that you were given a copy of an unsigned agreement is that correct?

L DAY: Any signed agreement of?

B SMITHWHITE: If we, did you see any agreement between BAE and CIC? Were you given a copy of it?

L DAY: A copy of the agreement with BAE and CIC, yes it's in my papers. But it wasn't a signed copy.

B SMITHWHITE: It was just a-

L DAY: I don't think so.

B SMITHWHITE: Did you ever discuss that with BAE at all, how did you end up-

L DAY: I never discussed anything with BAE. I only discussed things with Hugh and with Fana.

B SMITHWHITE: How did you end up with a copy of the agreement?

L DAY: I think Hugh gave it to me. And I assume that, that Hugh, sorry, I assume that Fana had actually negotiated that contract and therefore would probably have the original, but I don't know. I didn't see that before. This isn't one of my papers is it? I don't think I-

B SMITHWHITE: That's come from the company.

L DAY: Which company?

B SMITHWHITE: BAE.

L DAY: No it's not mine. Yes. Red Diamond. It means nothing to me at all.

B SMITHWHITE: Yes the contract is between Red Diamond, which is a subsidiary of BAE.

G MURPHY: Have you not heard of Red Diamond before?

L DAY: I think one payment came in from Red Diamond into our account.

B SMITHWHITE: Usually they do actually say Red Diamond and I think all the BAE payments did-

L DAY: The payments in were Red Diamond-

B SMITHWHITE: Yes.

L DAY: -but our contract was with BAE but I did ask Hugh and he said oh yes Red Diamond's a subsidiary of BAE. And that was the end of it. Again the bank didn't say anything, I mean it went through, I got the statement and there it was.

G MURPHY: Yes.

B SMITHWHITE: So just to clarify. You didn't have any contact with BAE-

L DAY: So wait a minute this was, this is a contract

between Red Diamond and CIC. I thought the contract I had was with BAE and CIC.

B SMITHWHITE: I don't think-

L DAY: They're not in my file.

B SMITHWHITE: I don't think I've put that in there but I can make a call back to the office and-

L DAY: Oh well it doesn't matter. But... This one does mention, oh and that is 18750 a quarter, yes. Oh hold on, 'We have signed the enclosed', oh no that's something else again.

B SMITHWHITE: So I take the Red Diamond contract 01348100-

L DAY: Well who signed that Red Diamond contract?

B SMITHWHITE: It's actually unsigned and we don't have a signed copy of it.

L DAY: Well maybe that was the one. I thought the copy was BAE, if it was Red Diamond it was Red Diamond. I know I asked Hugh and he said Red Diamond was a subsidiary of BAE but I don't remember ever seeing this because this does mention South Africa and I don't remember any connection. I was always, you know, the one between Westunity and CIC, it just mentioned the world more or less so I don't know whether this was the one I had.

B SMITHWHITE: So just to clarify did you have any contact with anybody at BAE or Red Diamond?

L DAY: None at all I mean that's why I said straight at the beginning, when I got that letter I said well there's no-one there I've even heard of, never mind spoken to or written to. No.

G MURPHY: And just to be absolutely sure what about

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contact with anybody from Red Diamond as opposed to BAE?

L DAY: None at all.

G MURPHY: No.

L DAY: Well I wouldn't know who was Red, you know. No the only persons I have had any contact with in connection with CIC are Hugh Thurston, Fana Hlongwane and Johannes Matt.

G MURPHY: Okay.

L DAY: I didn't know for a long time that Johannes Matt was Westunity but-

G MURPHY: Alright.

L DAY: -as far as I was concerned Westunity was Fana Hlongwane. Well even if I had read that it would have been perfectly straightforward, I mean. You know one calendar year, possible two year extension and 75,000 a year. Well that ties up with the amounts that were coming in.

B SMITHWHITE: Yes it does, it does match up. Is there anything from you on BAE at the moment?

G MURPHY: No.

B SMITHWHITE: Nothing at all?

G MURPHY: No.

B SMITHWHITE: Yes. Okay if we can move on to the subject of banking.

L DAY: Of?

B SMITHWHITE: Banking.

L DAY: Yes.

B SMITHWHITE: And the running of the bank accounts. You said that you opened the account at Standard Chartered-

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L DAY: Yes.

B SMITHWHITE: -for CIC. Who asked you to do that? Do you remember?

L DAY: It was either Fana or Hugh I don't know I can't remember now. We knew that there were these contracts and there was money coming in and it would need a bank account and I think you'll see that there's that letter at the beginning that says I enclose it and...

B SMITHWHITE: Yes the banking mandate.

L DAY: Yes.

B SMITHWHITE: Which is...

L DAY: I think that was resolved by the bank mandate; that was Hugh so, and I did it and the bank mandate was perfectly straightforward and I sent it to him so you know I know the way a bank works, they won't issue a paying-in book or a cheque book until they've got some money in the account. But I didn't have any money so it had to wait for the first payment from BAE. And that, it was after that, that I hadn't even met Fana at that point, I'd only dealt entirely with Hugh and then Fana came over and we took him to the bank.

B SMITHWHITE: We'll move on to Fana later on. If you can turn to page 27. In the bundle-

L DAY: Yes.

B SMITHWHITE: -which is reference 014346000214.

L DAY: Mm-hmm.

B SMITHWHITE: And it's a Standard Chartered bank statement. The first deposit that came in on the

1st February 2000 for £27,370, the narrative says it's Sanlucpr.

L DAY: Yes.

B SMITHWHITE: Does that ring any bells with you?

L DAY: Nothing at all. Nothing at all. Oh yes. 'In due course my records must have information on the source of the receipts either contracts or invoices or perhaps you can give this some thought'. There we are. So I did query that at the time and I think that's the point at when I got a copy of the contract.

B SMITHWHITE: Okay. Which page are you looking at-

L DAY: That's 28.

B SMITHWHITE: 28. Which is 014346000037. It's a letter from yourself to-

L DAY: Yes.

B SMITHWHITE: -Hugh-

L DAY: Well that's obviously when I received that bank statement and I told Hugh it had come in, we had had a first payment of £25,000, so I mean that's not the first payment. That can't be the first bank statement because I gave you every bank statement. The balance there January 2000 is £25,000 plus interest accrued I should imagine.

B SMITHWHITE: Yes the first payment we understand, came in from Westunity in Liechtenstein for that £25,000 and then this-

L DAY: Oh.

B SMITHWHITE: -this was a payment.

L DAY: Well I asked him for this. Yes there we are, so it was after that, it was March 2000 that we

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took Fana to the bank because there's the meeting applying for this debit card.

B SMITHWHITE: Okay well we're looking at page 29 which is 014346000342. With regard to the spending by Fana on the account would you have to tell him how much was in the account or did he just spend?

L DAY: Every so often he asked me how much was in the account, yes.

B SMITHWHITE: Did you send him bank statements?

L DAY: No, not until, well a lot later he asked and I sent all the bank statements, I sent them to Johannes Matt but it was Fana who asked me, you know and...

B SMITHWHITE: On page 30 which is 014346000041.

L DAY: Yes.

B SMITHWHITE: It's a letter I believe from yourself to Standard Chartered arranging for travellers cheques to be issued to Fana.

L DAY: Yes I think he was going to America.

B SMITHWHITE: And he had a need for traveller's cheques?

L DAY: Well I think that was the whole purpose, as far as I understand it was the whole purpose of CIC was to provide him with funds outside of South Africa that he could travel wherever he wanted. I think that's it.

B SMITHWHITE: Were you told when credits were expected from Red Diamond or BAE?

L DAY: Sorry?

B SMITHWHITE: Did you know when they were coming in?

L DAY: No just when I got the statements and saw when

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they were in. I mean I say I never sent any, well I sent Hugh the statements. Yes. That's when I prepared that set of accounts.

B SMITHWHITE: And also we have Fana being issued with a gold debit card, as opposed to a normal one. What was the background-

L DAY: I don't know why that was something between, I didn't know until it happened, so he must have spoken to the bank and said oh you know, I'm not, maybe couldn't get enough with the blue one, I don't know. He didn't ask me.

B SMITHWHITE: When you met him he came over to Jersey was he by himself?

L DAY: As far as I'm away, yes. I mean I met him with Hugh. If he'd bought anyone else with him I wasn't aware of it, no.

B SMITHWHITE: And where did you meet him? Just at the bank?

L DAY: Hugh bought him down to the bank. I met him at, we all met at the bank, yes.

B SMITHWHITE: And what was he like?

L DAY: Absolutely charming. Have you met him?

B SMITHWHITE: No.

L DAY: He's charming sort of diplomatic type, I don't know how you'd describe he's very tall, very good-looking, Hugh mentioned at one point that he's had rather a lot of wives. But I don't dig into his personal life, I took him as I found him. I wasn't taking any risks in terms of money, you know. He was introduced, the bank were happy with him, and I don't know how far their due diligence went beyond him producing a

passport and address. They may have done more but that was all that was required at the time. Things have changed a lot now-

G MURPHY: Did you ever do any due diligence on him yourself?

L DAY: I got his passport and there's a photocopy in my file, confirmed his address which Hugh confirmed I think. But that, you know, things are different now. You wouldn't get away with that. But that was all that was required and I say I thought I was dealing with a perfectly reputable company, perfectly friendly individual, he's a salesman, well naturally if they're doing something in South Africa I didn't, I actually just thought of Africa. Hugh said yes he's their representative. Didn't query how big that territory was and the contract doesn't really. So he seemed perfectly respectable, very well dressed, very smartly dressed. Better clothes than I wear. He was charming with the bank, and that was it.

B SMITHWHITE: Do you know how long he was on the island for?

L DAY: No. No idea.

B SMITHWHITE: Did he stay with Hugh?

L DAY: You can probably find that out a lot better than I can.

B SMITHWHITE: Do you know if he stayed with Doctor Hugh Thurston?

L DAY: I don't know that either. I don't dig into Doctor Thurston's private life either.

B SMITHWHITE: Just to get a bit of background on-

L DAY: I'm a married man.

G MURPHY: Did, would it be a surprise to you if I told you that Fana Hlongwane was a special advisor to Joe Modise who was the ANC Minister of Defence?

L DAY: No.

G MURPHY: At the time.

L DAY: No.

G MURPHY: Did you, were you ever aware of that?

L DAY: No not that I'm, I don't think that was ever mentioned to me, no. As far as I was concerned he was a salesman for BAE, that's it. That's all I know. Yes there we are. That was what he paid me, £4,000 a year. £2,500 directors and £1,500 secretarial accountancy.

G MURPHY: And what page is that please?

L DAY: It's 37.

G MURPHY: Yes. That's DOCMan reference 014346000066.

B SMITHWHITE: Going back to the contact you had with Fana was that usually by telephone?

L DAY: Yes. That's the only way I ever heard from him. I don't think, I don't think there's any letters from him at all, or is there one asking me to send all the stuff to, who asked me to send the stuff to Liechtenstein?

B SMITHWHITE: Yes. Can we go to that one, which is on...

L DAY: Oh yes, there we are, he's, what did we say here?

B SMITHWHITE: It's a fax from-

L DAY: 'I'm currently in-

B SMITHWHITE: -Fana Hlongwane-

L DAY: -in Geneva. I've arranged the bank account to

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collect consultancy fees. Please arrange to transfer all the funds in this account less £10,000 to the following account in Geneva'.

B SMITHWHITE: That-

L DAY: No that's not CIC, when was that? That was, where's the date?

B SMITHWHITE: January-

L DAY: January 2001.

B SMITHWHITE: -2001. This went from Fana to Hugh-

L DAY: Oh yes, yes it was-

B SMITHWHITE: -and then Hugh sent it to-

L DAY: -to CIC, yes. That's where we sent the balance of the money, yes.

B SMITHWHITE: Do you understand that to be Fana's account in Switzerland?

L DAY: Well I imagine so, that's what he says.

B SMITHWHITE: Are you aware of-

L DAY: 'You have', oh 'You have arranged the bank account to collect consultancy fees', that is CIC-

B SMITHWHITE: Yes.

L DAY: -please arrange to transfer all the funds less £10,000 to his I presume his private account. Is that what you want you want to change or...

G MURPHY: Yes. It's a good time to stop. The time by my watch is 09.46. The time elapsed counter is showing 41 and we'll stop this tape.

(End of Tape 1)

TRANSCRIPT OF INTERVIEW HELD AT LAW OFFICERS DEPARTMENT, MORIER HOUSE, HALKETT PLACE, ST HELIER ON THURSDAY, 12TH JUNE 2008.

CASE REFERENCE RLI02

TAPE 2 OF A BATCH OF 2

PERSON BEING INTERVIEWED: MR LEONARD DAY

PERSONS PRESENT:

MR GARY MURPHY	-	SERIOUS FRAUD OFFICE
MS BRENDA SMITHWHITE	-	SERIOUS FRAUD OFFICE
MS REBECCA BOXHALL	-	LAW OFFICERS DEPARTMENT

G MURPHY: This is the continuation of an interview with Mr Leonard Day. This is tape two. The time by my watch is 10.00am. Mr Chapman during the break - sorry Mr Day - Mr Day could you please confirm that the same persons are still present in the room? Nobody's joined or left.

L DAY: Yes.

G MURPHY: And could you also confirm please, that whilst the tapes have been switched off we haven't actually discussed the case with you.

L DAY: No.

G MURPHY: Thank you. Thank you. Okay I understand there was something you wanted to draw our attention to in the bundle.

L DAY: This is nonsense.

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G MURPHY: Could you tell us what page number that is please?

L DAY: Well this is page 45.

B SMITHWHITE: Okay.

L DAY: It says I had a meeting with Hugh and the bank-

B SMITHWHITE: Can I just read out the reference for the tape for, so it's 013849000011 and this document has come from Standard Chartered bank and it's an internal file note.

L DAY: I don't understand it at all because I have never heard of anything approaching, you know this says, Hugh was due to have a meeting with BAE. It's the first indication that he's actually meeting with British Aerospace, you know, I obviously knew he must have had a connection through Fana but. It says a further payment of £2.9 million, I've never been at any meeting where £2.9 million was discussed. I would, you look at the size of the money in CIC I think I'd remember if someone told me I was going to get £2.9 million. And I would have put a note somewhere what is this and why. Well I mean says what and why but I don't think that meeting took, you know it, it is, I know my memory's getting a bit, I mean I can hardly remember what I did yesterday but this is to me nonsense, because that is something that would have said, hey Len yes you would have remember £2.9 million. and I don't. I don't remember that at all. I don't even know if I was on the island on that date. Probably since I've been

semi-retired my diary doesn't mean very much, it's got more lunches and dinners in it than it has business appointments.

G MURPHY: Mm-hmm.

B SMITHWHITE: In the fifth paragraph it mentions some information about Fana Hlongwane.

L DAY: Yes.

B SMITHWHITE: Do you ever remember that being discussed at the bank?

L DAY: No I knew he was a Zulu.

B SMITHWHITE: Mm-hmm.

L DAY: Because we, he said yes, you know-

G MURPHY: Did he tell you that?

L DAY: Yes.

G MURPHY: Yes.

L DAY: Yes. And I think he was rather proud of it.

G MURPHY: Yes. Yes.

L DAY: And I think it explained his height and his build, you know he was a typical, as I imagine a Zulu to be, but he wasn't wearing his headdress. But no I have no recollection of that meeting whatsoever. I mean I knew Peter Thomas very well and I was meeting with him on a regular basis. And I mean I had other business with Johannes Matt as well but nothing to do with this, totally separate clients, but I've known Johannes Matt for quite a long while and he does trust business which since I'm retired, well it's because when a new Financial Services Act came I was no longer, I'd been a sole practitioner for 30 years so I retired from

active practice in 1972.

G MURPHY:

Right.

L DAY:

But then they come along and say no you can't do that anymore. So I just through it all in Liechtenstein and I'm only the protector. So it's the one thing I'm allowed to do.

G MURPHY:

Right.

L DAY:

All it does, that enables me to fire the trustees if I don't like what they're doing but that's nothing to do, that's totally separate private clients-

G MURPHY:

Yes.

L DAY:

-who in some cases I'm on the third generation.

G MURPHY:

Right. So-

L DAY:

But this is-

G MURPHY:

So are you saying that even if the date is wrong and the meeting didn't take place on that day you still can't remember having that meeting?

L DAY:

I can't, I would remember £2.9 million because it's so out of keeping with everything else, I'm sorry.

B SMITHWHITE:

It's 10 times what's-

L DAY:

Hugh may have had it but, I mean obviously Hugh must have been involved with the British Aerospace which I never was, I'd never had any contact with them whatsoever. And £2.9 million would have started raising red flags with me, I'm not that stupid.

G MURPHY:

Mm-hmm.

L DAY:

I'm sorry but that's, I don't know. You can't, I haven't said anything in that meeting but,

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according to this.

B SMITHWHITE: With regard to Fana's debit card, do you ever recall it being compromised-

L DAY: What?

B SMITHWHITE: -at all? Used in a shop, cloned and then a duplicate card made, was there any problems about that?

L DAY: I, I know a lot of people who had their cards cloned and I can't remember. Mmm, I can't remember, there's something in the back of my mind but I don't know, we didn't get any, well yes there was one thing he was querying a couple of payments but it was him not, I don't think there was anything wrong with the payments.

B SMITHWHITE: I think that was-

L DAY: He confirmed one later, an airline booking that he had forgotten, therefore I suspect the other hotel one was also, it was in there. He may have thought it had been cloned, I don't know. He thought there were two false transactions when in fact they weren't false transactions. So. No.

B SMITHWHITE: Do you have any knowledge of Fana having any other bank accounts in Jersey at all?

L DAY: Not in Jersey to my knowledge. I knew he had this one in Geneva because we sent money to it.

B SMITHWHITE: Mm-hmm. But nothing else in Jersey.

L DAY: No.

B SMITHWHITE: And when he came to Jersey was that at the request of the bank? Or did he, how did it come about?

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L DAY: No. No. They'd asked for due diligence on him and I think it sort of went well Hugh said he'll be coming over and we'll take him down there, which is what we did. You know. I don't think it was, no I don't think they requested a meeting but they did say, you know, well Peter rang up and said you know we must do due diligence on this man because he owns the company. But how he got here or you know what made him come I don't know, maybe it was to meet me. I don't know. But I think at the time Hugh thought it was important that he met me seeing as I was going to be handling his money.

B SMITHWHITE: Yes.

G MURPHY: Did you ever discuss with anybody why this structure had been put in place to provide money for Fana Hlongwane, spends outside of South Africa? Why was this structure of a number of different consultancy agreements and different bank accounts-

L DAY: I don't know.

G MURPHY: -why don't they just pay the money into a personal account in the name of Fana Hlongwane?

L DAY: Here?

G MURPHY: Well.

L DAY: I don't know. He just said he wanted the company to receive commissions so that he could have money outside South Africa to spend and that was it. I mean a company structure, maybe BAE wanted a company that it could contract with. I don't know, I didn't have any handling

of the contract, it just arrived.

G MURPHY: And just for clarification. Did you ever discuss that with them, did you ever query it with anybody, why are we going through this when it could be a lot simpler?

L DAY: I think at one point I said, you know, what is Westunity and Hugh just said well it's Fana's other company in Liechtenstein. And I say the only reason I can think is that the money didn't flow straight, what I couldn't see is why CIC was necessary, why didn't it go straight to Westunity?

G MURPHY: Yes.

L DAY: And I could only think in my own mind that maybe BAE didn't want to deal with Liechtenstein.

G MURPHY: I don't-

L DAY: You know, I mean. Liechtenstein's reputation hasn't always been as clean as, Jersey's had a good reputation.

G MURPHY: Mm-hmm.

L DAY: So that's, no. It wasn't my business what my clients do with their money and-

G MURPHY: No. No I appreciate that. But I just wondered whether-

L DAY: As long as he kept what I was doing clean-

G MURPHY: -sometimes curiosity, you know you want to know-

L DAY: Yes well you ask but you don't necessarily get the answers.

G MURPHY: No.

L DAY: But as far as I was concerned if he kept my end of what I was doing clean that was all, I had a

reputation to maintain and as long as what was coming in and going out was all-transparent, I was happy.

G MURPHY: Mm-hmm.

L DAY: That's all I needed to know. I had a lot of clients who had business that I don't know about, but...

B SMITHWHITE: Okay. Can I just take you back to page two in the pack? Through to page five which is reference 0-

L DAY: Which is the contract?

B SMITHWHITE: Yes. 014346000011 through to 14. This is the contract between CIC and Westunity.

L DAY: Yes.

B SMITHWHITE: Do you know who drafted the-

L DAY: Do I know who?

B SMITHWHITE: Drafted the contract?

L DAY: I imagine it would come out of Johannes Matt's office. I think it was Hugh who gave it to me and said would you sign this, this is the contract between Commercial International and Westunity. To provide the services of Fana because Commercial International although it was owned by Fana didn't have, didn't employ Fana, who was so, this is what I was told that Fana is employed by Westunity and, there we are, provide, 'The consultant will provide the services of Fana Hlongwane. Notify Commercial International of potential sales opportunities', I never had any of that. Mmm, so...And it seemed a perfectly reasonable contract, so yes I

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signed it. I regard, you know, Hugh was the senior director in this and he had much more contact with Fana and with Johannes Matt and they are very good friends. I have a business relationship with him but he's not a friend but I believe he is, you know a friend of Hugh.

G MURPHY: Mm-hmm.

L DAY: And I deal very little with Johannes, actually I deal much more with Waltham Bertram who's the number two.

G MURPHY: Okay.

B SMITHWHITE: Okay. If I can run some names past you. CIC was only one of a number of advisors on the defence contract. If you can just tell me if you've heard of the name before, if you have heard of them in what context. Start off with, first of all, a few more BAE names you've mentioned that you've not heard of the names-

L DAY: I know no-one from BAE whatsoever.

B SMITHWHITE: Okay. I'll just run the names past you-

G MURPHY: Just in case it rings a bell. Right.

B SMITHWHITE: The other names are Hugh Dickinson?

L DAY: No.

B SMITHWHITE: Neils Petersen?

L DAY: No.

B SMITHWHITE: Jerry Wooding? Jerry Wooding?

L DAY: No.

B SMITHWHITE: Alan McDonald?

L DAY: No. I know some McDonalds but not an Alan McDonald.

B SMITHWHITE: Kevin Smith?

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L DAY: No. I'm just trying to think of all the Smiths I know.

G MURPHY: He's actually Sir Kevin Smith.

L DAY: Oh well. I don't know any Sirs.

B SMITHWHITE: Nial Irving?

L DAY: No.

B SMITHWHITE: Stuart McIntyre?

L DAY: No.

B SMITHWHITE: John McBeath?

L DAY: No.

B SMITHWHITE: Okay.

G MURPHY: One other name which springs to mind, Andrew Fletcher.

L DAY: No.

G MURPHY: No. Okay.

L DAY: The only people I know in connection with CIC, Johannes Matt, Fana Hlongwane, Hugh Thurston, Bob Chapman-

G MURPHY: Yes.

L DAY: And I met the vendors of the company-

G MURPHY: Yes.

L DAY: -whatever the, I can never remember his name anyway. They're the only people that have ever, and our bankers, that was the entire circle. Never got involved with any lawyers. Didn't draw up any contracts. Contracts were just presented to me.

B SMITHWHITE: Do you have any knowledge about the South African defence field at all?

L DAY: Not at all.

B SMITHWHITE: Have you ever been to South Africa?

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L DAY: I've been once, yes. I did the Garden Route from Cape Town to Plettenberg. Very nice too, thoroughly enjoyed it, did a bit of whale watching.

B SMITHWHITE: I'll run through the names for the tape, Joe Modise?

L DAY: Sounds middle ages. No.

B SMITHWHITE: Stella Sigcau?

L DAY: Della Sedell?

B SMITHWHITE: Stella Sigcau?

L DAY: No.

B SMITHWHITE: Yusef Surtee?

L DAY: No.

B SMITHWHITE: Mohammed Surtee?

L DAY: No.

B SMITHWHITE: Chippy Shaikh?

L DAY: That sounds like a drink.

B SMITHWHITE: And Tony Yengeni?

L DAY: No.

G MURPHY: Fana has never mentioned any of those to you, conversations about any of them that you can remember?

L DAY: No. Fana's never mentioned any names or anything connected with it, you know, it's, our conversation was very restricted to pay this or don't pay that. You know, I'm out to make one payment on his account because he owed some money to someone in London who was, was that one of the, no he didn't, yes he told me who to pay. Wait a minute. Now could that have been one of those names? I saw it in here; he said he owed

money to somebody, and if that's the case I may have then told a lie. Its here somewhere. You probably know your way round this better than I do, there's a letter here which I just saw-

B SMITHWHITE: Yes.

L DAY: -saying, 'Please pay...Are these in date order?

B SMITHWHITE: Yes it's page 32.

L DAY: Ah.

B SMITHWHITE: Reference 014346000045. And it's a letter from Hugh to yourself to-

L DAY: Oh, AFC Roberts, there we are.

B SMITHWHITE: Do you know who he is?

L DAY: No idea. 'Fana owes a friend in the UK', I didn't query so I sent it to, oh it's at the Jersey bank so yes. 2291 I did as I was asked. Never heard of him. Was he one of the names on your list?

B SMITHWHITE: What-

L DAY: Just, you know, just because I've said no I didn't know anybody.

G MURPHY: Not one of the names we put to you.

L DAY: Alright. Well that, that is the only actual payment apart from the transfers to Fana.

B SMITHWHITE: Mm-hmm.

L DAY: Yes.

G MURPHY: Just one thing from me, we can't, we can't establish who it was that actually had contact with BAE in relation to CIC. You didn't?

L DAY: I didn't.

G MURPHY: It would appear that Mr Thurston, Doctor Thurston did have some contact, he's told us

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about that.

L DAY: Right.

G MURPHY: But not in relation to the agreement, the negotiating of the agreement. And-

L DAY: Well I understood it was Fana.

G MURPHY: Did you? Is that what you believe?

L DAY: Well that's how, you know, I have agreed with BAE that-

G MURPHY: Sure.

L DAY: -we're going to have a contract and pay CIC, yes. I mean that's.

G MURPHY: Can you remember whether Fana ever actually told you that, that he'd negotiated the agreement?

L DAY: No. The agreement appeared on my desk from Hugh.

G MURPHY: Yes.

L DAY: As I say it was an unsigned one but Hugh said oh here's the, because I'd asked.

G MURPHY: Yes.

L DAY: You know what money's coming in and I must, you'll see my letter in there says I must have some details and that's when I got the contract.

G MURPHY: Yes.

L DAY: Mmm, but I, I think I assumed Fana negotiated because I know I didn't.

G MURPHY: Yes.

L DAY: You know. If you see what I mean?

G MURPHY: Sure. Yes. Yes.

L DAY: And it was, he's the consultant or he's the sales rep or whatever he is.

G MURPHY: Yes. And similarly with payments that were

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coming in from CIC I know they were, I think they were quarterly payments were they?

L DAY: Well it was quarterly and then it changed a bit and one was a bit bigger.

G MURPHY: That's right. But, and again you had no contact with BAE over that?

L DAY: No he must have been submitting his own invoices because, and I didn't ever get copies of them.

G MURPHY: No.

L DAY: All I knew the money came in and it was coming in from the right place and the bank never said you know, oh this is a bit funny.

G MURPHY: Sure. Did, again I'm asking you to think back I'm afraid. But can you ever remember Fana telephoning you and saying oh there's going to be some money coming into the account?

L DAY: No I never knew until the statement came in.

G MURPHY: Until the statement? And that was the way it all-

L DAY: Yes. I got, you saw the statements came in, I don't know probably monthly, it may have been fortnightly or something, yes but I got regular statements and then I knew.

G MURPHY: Yes. Okay. Thanks.

L DAY: That was it.

G MURPHY: Brenda?

L DAY: I certainly think Hugh Thurston probably knew, apart from the actual mechanics of setting up a bank account, registering change of name, paying the filing fees and the stamp, you know.

G MURPHY: Yes.

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L DAY: I was just the accountant.

G MURPHY: Anything further?

B SMITHWHITE: I don't think so, I'm just trying to get the stages of CIC correct, you know-

L DAY: Yes.

B SMITHWHITE: -early on. Because we've got-

L DAY: Well I know-

B SMITHWHITE: -an early-

L DAY: -there had to be a relationship between Hugh and/or Bob and the Thames' and I don't know what that relationship was and I don't know where the Thames' live but I mean saw this address, Little Court, well that's not Hugh's address and it's not my address so it must be something that Thian, so maybe they were local people. Why they would sell a company to people in New Zealand, they were friends of Hugh, they wanted a Jersey company, maybe Hugh said oh why don't you invest through a, I don't know.

G MURPHY: No.

L DAY: All I know is that I came in at the stage that they were prepared to give it up for the benefit of Fana.

G MURPHY: Yes and that was November 1999.

L DAY: And I wasn't involved in the payment, you know for the cost of the company or anything like that, that got done. The first fees which you know immediately I got it there was exempt tax to pay and a filing fee and I think Hugh gave me personal cheques for those. And then it got going as Fana and CIC.

G MURPHY: No.

B SMITHWHITE: Nothing more.

G MURPHY: Okay I've nothing more. Okay we've no more questions for your, Mr Day, thank you very much for attending. Is there anything that you want to add at this point?

L DAY: No.

G MURPHY: Anything you want to clarify.

L DAY: As far as I'm concerned I did nothing wrong, I did all the due diligence and money laundering that was necessary at the time.

G MURPHY: Yes.

L DAY: You know. I think if it was today well a)if it came in today BAE would have a totally different connotation but it didn't then as far as I was concerned it was a really top class company with government backing. I mean nothing funny about that at all I saw no reason why Fana shouldn't be their representative. He wasn't a spiv he was a very respectable gentleman. I got no colour prejudice I do know he was black but so what. Absolutely charming and that's it, yes I agreed to act, I did my bookkeeping job, I got paid for it, *fini*.

G MURPHY: Okay. Thank you very much. The time, before you go, I just need to get your signature on the tape. Right the time by my watch is 10.23, time elapsed counter is showing 21 and we'll stop the tape.

(End of Interview)

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