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Zondo commission – Ramaphosa, Tsotsi wanted me out of Eskom, says Koko

The latest witness to decry the work of the investigations team of the commission of inquiry into state capture is former acting Eskom CEO, Matshela Koko. He appeared on Thursday evening to respond to the evidence of witnesses who have implicated him in a dubious relationship with Gupta associate Salim Essa, revealed at the time of his suspension and those of three other Eskom executives in 2015.

Koko made opening remarks prior to giving evidence, in which he told commission chairperson Deputy Chief Justice Raymond Zondo that the selective approach of his investigators robs the commission of an opportunity to hold many people accountable for corruption. His own removal from Eskom in early 2018, he said, was on the instruction of President Cyril Ramaphosa, who has not been held accountable for his actions.

“I honestly think that unconsciously or consciously, your investigators are following people, not evidence. Because if they follow the evidence I can assure you, chairman, different people would be sitting where I’m sitting,” he said, adding that Zondo has previously made remarks that state owned enterprises were well run until there was state capture.

Just a month before he resigned from Eskom in February 2018, Koko said he received a call from a former colleague who was then at the Department of Public Enterprises (DPE). She warned him that Ramaphosa, then deputy president, had given a directive for a media announcement of Koko’s imminent removal from Eskom. Koko was suspended at the time, but said he was shocked to learn that his demise was at the hands of a member of the executive. The colleague’s warning was confirmed when she handed the phone to then DPE deputy minister Ben Martins, who told him he was being forewarned out of courtesy. Shortly afterwards the matter was in the news.

But those investigating state capture within Eskom, Koko told Zondo, were barking up the wrong tree. “In the event that you find that there was state capture, the difficulty you are going to run into is this: in 2001 Eskom was the global energy company of the year. I was there, and the CEO then was Allen Morgan.”

He gave a document detailing the performance record of Eskom over the past 20 years, telling Zondo that the utility’s best performing years were when Brian Molefe was group chief executive, from March 2015. Molefe replaced Matona, who with Koko, financial director Tsholofelo Molefe and group capital head Dan Marokane, was among the executives suspended.

Asked about the evidence that has been heard to date that he knew of the suspensions before they happened on 11 March 2015, and had lined up candidates to act in the positions to be vacated, Koko said the only potential suspension he knew of was his own, and it was for a separate matter cooked up by then board chair Zola Tsotsi. The four executives had been told that their suspension was to give the board an opportunity to probe the company’s performance challenges.

But Tsotsi's motive was different to that of the rest of the board. In the meeting preceding the suspensions he claimed that Koko was included because he was in charge of maintenance of infrastructure, said Koko, but this was not the case. Tsotsi instead wanted Koko gone because he had recently suspended a subordinate who had submitted to Tsotsi's interference in a procurement matter, despite Koko's instruction not to. Malesela Sekhasimbe, who was a general manager in Koko's division, helped facilitate an unlawful acknowledgment of R69-million debt to Japanese supplier Simutomo, despite Koko's written instruction not to do that because Eskom could not account for the work claimed in a previous demand letter. It was on Tsotsi's insistence, said Koko, that Sekhasimbe actioned the letter.

"There was a clear instruction to him in writing to not sign the letter, we're not going to pay. This thing is dead." A later disciplinary process against Sekhasimbe found that he had acted unlawfully, and it was recommended that he be dismissed.

For this, Tsotsi was now intent on punishing Koko. The latter told Zondo that he first learned of his potential suspension from Matona, who revealed that they both faced that fate if they did not reverse Sekhasimbe's suspension. Even after the conversation with Matona, amid the rumours of the impending suspensions, Koko was anxious but adamant that he had acted in accordance with the rules. But he was shocked days later when he learned that he was being suspended for a different reason.

It is his belief, said Koko, that Tsotsi pulled his name into the suspensions debacle because he had refused to sign off on the Simutomo payment. "Of particular importance is what happened in the meeting of the board of 11 March with respect to my suspension. This is why I don't buy these other stories. In that meeting Mr Zola Tsotsi says 'we're going to investigate these four areas', and the investigation is triggered by the loadshedding.

"Mr Tsotsi says Mr Koko is responsible for generation because he is doing the maintenance. The Eskom delegations of authority that Mr Tsotsi himself signed clearly says he's lying to you."

When the board challenged Tsotsi, saying the responsibility of generation is with the generation head, he persisted.

"The only reason he did that is that he wanted to create a façade that I must be part of that, because the person who was managing generation at that time was Mr [Mongezi] Ntsokolo."

What about previous evidence from Tsotsi and private consultant Nick Linnell that his name appeared on the list at a meeting allegedly held at former president Jacob Zuma's official residence in Durban, at which the suspensions were first mooted, asked Zondo.

"I have listened to the evidence of Mr Linnell, I've listened to the evidence of Mr Tsotsi. I was shocked. At times, almost angry that there was such a meeting. It really shocked me. But Mr Tsotsi did also tell you that the idea of an inquiry into Eskom was an idea that he was thinking about."

In his evidence, Linnell said he knew of the areas of focus for the suspensions, but did not know the individuals who headed them up, and these were e-mailed to him after the meeting, said Koko. "If Mr Tsotsi was being truthful, he would have attached the name of the head of generation there, but he did not. He attached my name because he was determined to make sure that I am part of that pack that must go."

"So, you don't accept the evidence that your area was included in terms of the portfolios that were to be included and whose heads had to be suspended?" asked Zondo.

Koko said he did not accept that, because according to Linnell, an attendee of the Durban meeting, Jabu Maswanganyi, whom he believed to be in the secret service, produced a document that showed

that there was sabotage at some of Eskom's stations. But Tsotsi wanted to use this information to his advantage in his vendetta against Koko, and Maswanganyi's document was convenient.

"What he was trying to do there was to force in the commercial part of the business, because according to them, Eskom is burning R1-billion of diesel, and somebody else is benefiting.

"It was a big sell, that is why Mr Tsotsi pushed me into generation, when everybody knows the head of generation is Mr Ntsokolo.

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