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Zondo commission – Molefe proud of links with Guptas, Zondo hears

Former Transnet GCEO Brian Molefe has told the commission of inquiry into state capture that members of the Gupta family deserve to be protected by law enforcement agencies as much as any other accused, before being declared guilty of the crimes they have been accused of.

The commission too, he said, should do the same, and follow due process in assessing the evidence against them. Molefe was responding to a question posed to him by evidence leader Anton Myburgh about his relationship with the Guptas, and if he felt betrayed by the family.

“I feel I was done in by the public protector. The person who was supposed to protect me from this onslaught that happened... in the absence of evidence...was the public protector. The Guptas may have done what they did, but I was not part of it,” said Molefe, before turning his attention to commission chairperson Deputy Chief Justice Raymond Zondo.

“The day you make your findings, and the day that they have been arrested and put in prison and found guilty in terms of the laws of our land, perhaps at that point I will feel betrayed. But at the moment I really take the constitutional principle of not guilty until found guilty very seriously.”

Zondo, however, put to Molefe that it is the same law enforcement processes that the Guptas have declared unfair, saying that they feared coming back from Dubai to South Africa because they did not think they would be treated fairly in the criminal matters that they had been charged in. They also applied in 2018 for leave to give evidence from Dubai, which Zondo rejected.

Molefe said because there is a narrative that perceives the Guptas to be corrupt, he too is guilty by association. It was for this reason that former public protector Thuli Madonsela named him among the associates of the family who should be investigated along with them. He likened Madonsela’s approach to that of a police officer who shoots indiscriminately in the direction of suspects, without first carefully assessing evidence linked to each one.

Myburgh put to Molefe that it was the same Guptas who allegedly used a company that he was in charge of, namely Transnet, to launder money through dodgy contracts. That implied that Molefe, as its leader, was either complicit or had “fallen asleep at the wheel” as such wrongdoing occurred. Molefe disagreed with this, saying that his only regret with regard to Transnet was leaving the company when he did, for Eskom.

Not only did he not know Salim Essa at the time he was at Transnet, said Molefe, but all contracts he signed off on followed due process. Essa is alleged to have gained favour through Regiments Capital, a company in which he held a director position, in Transnet’s locomotives

contract. The commission heard in previous evidence that Regiments edged its way into a supplier development contract with global company McKinsey, after the latter won a tender to lead an advisory consortium for the project, which had a budget of R38-billion at the time.

Molefe is scheduled to continue giving evidence on Tuesday.

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