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Zondo commission – Hawks and NPA ignored Prasa corruption allegations for years

Law enforcement agencies came under fire from state capture commission chairperson Deputy Chief Justice (DCJ) Raymond Zondo on Tuesday, when he bemoaned their sluggish approach to dealing with corruption allegations at the Passenger Rail Agency of South Africa (Prasa).

This was on the back of the testimonies of former Prasa chairperson Popo Molefe and the agency's head of legal Martha Ngoye, who both told him how there was no accountability at Prasa for years, despite numerous attempts by the pair and their respective teams to report cases of alleged corruption. Molefe testified that in total, his board reported 69 cases to the Hawks, initially when it was under Anwa Dramat, but Dramat's successor Berning Ntlemeza showed a lack of enthusiasm for dealing with their complaints.

Former NPA head Shaun Abrahams at least acknowledged receipt of a letter by Molefe, but he too did not act on the allegations contained therein.

Zondo said beyond the agencies, members of Cabinet, the executive and Parliament should have handled the matters better, given that they are in the public domain, and there is a strong anti-corruption narrative within government. He added that it was worrying that the board of a state-owned entity had to resort to taking the Hawks to court in order to get them to act. Molefe had testified that his board took legal action against the anti-corruption agency in the North Gauteng High Court, to compel it to act on the cases he had submitted.

Despite this, the Hawks have done nothing to bring those alleged to have stolen money from Prasa, to book. In fact, the retort from the Hawks was that the board did not have the authority to commission the investigations, as there was no quorum at the 2015 meeting that decided on the approach of probing tenders exposed by then public protector Thuli Madonsela as irregular.

It is taxpayers' money, said Zondo, that is alleged to have been looted. In Prasa's case, he added, the amounts in question are not small amounts, they are billions. On the other hand, he added, the Hawks saw it fit to fight the board, rather than investigate the matter brought forward.

"This is taxpayers' money, so that is part of the worry. I mean, why do you have five years without an institution having a CEO? Why do you have interim boards?

"These questions make one think there could be something big behind all of this. How can there be no visible action to recover R2.6-billion lost by an organ of state?"

Molefe said to its credit, the Hawks' new leadership – under Godfrey Lebeya – was more responsive.

He also referred to an incident where a man who chaired the board of a service provider of Prasa called on the board to not allow investigators to go after his assets. Through interactions with Auswell Mashaba, Molefe came to learn that some of the money made by Siyangena Technologies was allegedly being channelled to the ANC via an Angolan associate of the party known as Maria Gomes. He read out a 2013 email exchange between Gomes and former Prasa GCEO Lucky Montana, in which

the latter outlines major-capital projects that Prasa would be embarking on over the coming years, as well as how much they were worth.

An affidavit obtained from Mashaba by the commission revealed that Gomes instructed him to make 10% of money made from one of the contracts available to the ANC.

Zondo said he hoped Mashaba would come before the commission to state in factual terms what he was instructed to do.

The DCJ also ordered evidence leader Vas Soni to get a reaction from the Hawks on what has been shared about the corruption allegations at Prasa.

Ngoye told the commission that over time she grew frustrated by a Hawks team that seemed to be overwhelmed by what was brought to them regarding Prasa, and even started demanding that she only speak to the leadership. It was only after her initial testimony in March, before the commission broke for the lockdown, that Ngoye says she was approached by Hawks investigators who were interested in what she had shared before the DCJ.

“I told them you already have that information.”

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Prasa corporate website <https://www.prasa.com/>