



**9 December 2020**

**Zondo commission – Tsotsi lied to board about origin of suspensions plan, says Khoza**

The idea to suspend Eskom executives in March 2015 was understood by the board to have originated with former president Jacob Zuma, the commission of inquiry into state capture heard on Wednesday.

Former Eskom board member Zithembe Khoza gave his evidence on the events of the time, confirming the versions of his former colleagues that although the suspensions were first mooted by then chairperson Zola Tsotsi on 9 March, the rest of the board wanted confirmation from public enterprises minister Lynne Brown.

When Brown did meet with the board on 11 March, it was to speak of the areas of Eskom's work that required urgent intervention. Several executives were to be suspended to give way to an inquiry to probe Eskom's performance challenges. According to Khoza, the finance unit, under Tsholofelo Molefe, was among these areas in question. The inclusion of Molefe among the four executives who were ultimately suspended has been a point of focus for the commission, as initial evidence from Tsotsi indicated that her name was not meant to be on the list from the start.

Did the minister mention suspensions in her 11 March address to the board, asked commission chairperson Deputy Chief Justice Raymond Zondo.

"Even though it was not explicit, the fact was that the executives should be set aside so that the inquiry carries on with full credibility," Khoza replied. "On the 9<sup>th</sup> when we questioned the chairperson, he did say explicitly that it was an instruction from the minister and from the president."

Molefe, GCEO Tshediso Matona, and the heads of group capital and technology and commercial respectively, Dan Marokane and Matshela Koko, were all suspended on the basis that the board was to institute an inquiry to probe performance issues within Eskom. The suspensions, said Khoza, were said to be for three months, to allow for the smooth running of the inquiry.

But according to previous testimonies, including that of former officials Suzanne Daniels and Abram Masango, Koko knew when and how suspensions would be carried out. Both told the commission that on the eve of the suspensions, he told them on separate occasions that he would also be suspended, but would return later, while the other three would exit Eskom.

They also testified that when he told them this information, on 10 March, Koko was in the company of Gupta associate Salim Essa, at an office boardroom in a building in Melrose Arch, Johannesburg. Daniels said Essa had introduced himself on the day as an advisor to Brown.

Zondo asked Khoza if he was of the view that the board was influenced or manipulated into the decision to suspend the executives, given that previous evidence had alleged that Essa positioned himself as being privy to internal decision-making, despite being a private party not linked to Eskom.

“Based on the evidence you just led, it is possible. It’s unfortunate that maybe on the meeting of the 9<sup>th</sup> the chairperson at the time did not mention where the information came from, because if it was known that it was an issue of Dudu Myeni, who was not working for Eskom, the debate was going to be completely different.”

Myeni, then SAA chairperson, was said by Tsotsi to have chaired a meeting held at Zuma’s official residence in Durban on 8 March, at which the instruction to suspend first surfaced. But Khoza told Zondo that Tsotsi presented the idea as his own, without mentioning Myeni’s involvement.

“The issue of the meetings of the 10<sup>th</sup> was also not brought to our attention, we were not aware of it. Maybe if we were aware of it, then maybe the tone of the meeting of the 11<sup>th</sup> was going to be different.”

If that evidence turned out to be true, Zondo pressed on, then what would he make of it?

“If that was correct, then it does mean it was influenced from outside,” said Khoza.

Zondo wanted to know how matters developed in that period to the point where the board went on to consider a vote of no confidence against Tsotsi.

“It was mentioned in the discussion that maybe we have got challenges with him which emanated from the documents that he said he had, and when the documents were requested, did not come forth.”

A number of charges were brought forward against Tsotsi. “I think the other aspect was interference with the executives and there were quite a number of issues that were raised. They were dealt with by the audit and risk [committee] and they listed them. He was asked to respond on them,” explained Khoza.

But a major reason was the way in which Tsotsi brought on private consultant Nick Linnell into the discussions about suspensions and the proposed inquiry. Linnell, said Khoza, was positioned by Tsotsi as a resource provided to all parastatals at the time by the presidency. The board was told that his mandate was to assist all parastatal boards with oversight of intervention processes where there were crises.

“One of the issues [with Tsotsi] was the issue of Nick Linnell and others had to do with things not being communicated properly,” said Khoza.

But Zondo challenged him: “The board was happy to work with Mr Linnell, you did not ask about processes followed for his appointment, did you?”

“We didn’t ask. When Tsotsi introduced him, he said he was given a resource by the presidency, and he has been looking at the parastatals and he’s got lots of documents that he is sitting with. My understanding at the time was that he was not supposed to be employed by Eskom, but he was going to be a resource given by the presidency.”

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