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Zondo Commission: Bosasa executives privy to sensitive details of NPA case against them

Bosasa CEO Gavin Watson allegedly boasted about playing puppeteer with former president Jacob Zuma to his colleague Angelo Agrizzi and former commissioner of the Department of Correctional Services (DCS) Linda Mti. He also told the pair that he knows of a particular approach he has to use with the president to get him to listen, and act.

The commission of inquiry into state capture heard on Thursday an audio recording, which Agrizzi said he made during a 2015 meeting between himself and the two men. In the audio, a distinction between three different voices - all male - can be made. For the most part it features the person identified by Agrizzi as Watson, talking about the details of the politics within the National Prosecuting Authority (NPA) at the time, particularly with regard to the DCS tender corruption case against Bosasa. He also seems to express his frustrations with the status of the case, which seemed to have gone away at some point in the past. Bosasa directors, including Watson and Agrizzi, as well as Mti and former DCS chief financial officer Patrick Gillingham featured in the potential prosecution.

The man further singles out then senior prosecutor for the NPA Glynnis Breytenbach as being the reason why the case would not go away, because she was obsessed with discrediting Bosasa in the media. He talks of plans to bring Zuma up to speed with all this information, to show him who cannot be trusted within the NPA. According to Agrizzi, Watson met with Zuma just days after the meeting. The details of that meeting had not been discussed at the time of adjournment of proceedings.

Next the man can be heard saying deputy national director of public prosecutions, Nomgcobo Jiba - currently under suspension - wants the docket, but "Dramat will not release it". Anwa Dramat was the acting head of the NPA at the time, and Jiba's boss. Jiba, the man says, had successfully removed "De Kock" from the case in the past, but she was smuggled back on by Breytenbach. By De Kock he seems to be referring to senior advocate Marijke de Kock, who had handled the case previously, but was removed, before being put on it a second time.

Earlier in the day memoranda exchanged between Breytenbach and Dramat's predecessor, Menzi Simelane, had been discussed by evidence leader Paul Pretorius. In the first one, from Breytenbach to Simelane, dated February 2010, she had included a status update of the case at that time, noting that no dockets had at that point been obtained that support their cause, among other issues such as the potential impact on the case for Mti, given that he had just been appointed head of security for the 2010 World Cup. In response, Simelane reprimanded her over her insinuations on Mti, and instructed her and her support team to withdraw from the case, and focus on the ones that have dockets available.

In another record of evidence before the commission, involving an incident a month later, Simelane briefed then justice minister Jeff Radebe on the case, proposing that the NPA withdraw the case, on the grounds that the SIU report on which it is based, contained discrepancies. Simelane noted the

unconstitutionality of the report, which he says went beyond the scope of the SIU, and pointed to some of the evidence as being contaminated.

In between all of these developments, and for some years following, Bosasa officials were regularly brought up to speed with the case, thanks to an arrangement between themselves, Mti, Jiba and Lawrence Mrwebi. The NPA pair, together with Jiba's personal assistant Jackie Lepinka, would provide Bosasa with information on the case through Mti, and would be rewarded with cash in return for their efforts, Agrizzi told the commission. He also said that a close associate of Bosasa, Sesinyi Seopela, was very close to Simelane and had approached him for help. Agrizzi made no mention, however, of Simelane ever getting a bribe from Bosasa.

In the heat of the time of the audio recording, the NPA was homing in on Bosasa, much to the displeasure of Watson. His former business partner Danny Mansell, with whom he had started the company, had fled the country in 2012, in the midst of the trouble. Watson had allowed it, and even gave Mansell a living allowance for his new home in the US, provided he never told of Bosasa's dodgy dealings. Mansell had been a key facilitator in clinching the contracts in question, with the help of Mti and Gillingham. A further number of the department's staff were also in Bosasa's pocket, and were instrumental through their positions in procurement, and development care units, the latter being the oversight unit of the catering tender Bosasa secured in 2004.

Other contracts under scrutiny from law enforcement were related to an access control programme handled by Bosasa subsidiary Sondolo IT, a fencing project entered into in 2005 – said by Agrizzi to be the largest of its kind in South Africa – and the last a TV installation and maintenance service. All of the contracts were for services rendered in prisons, and raked in well over R1-billion for Bosasa.

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