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Zondo Commission: SIU's Bosasa investigation compromised by Jiba, Mrwebi and Simelane

With key National Prosecuting Authority (NPA) people in its pocket, Bosasa could keep tabs on the progress of the case against the company, and therefore influence its direction. Early 2010 was a very tense period for the company, as an investigation by the Special Investigating Unit (SIU) the previous year had progressed to the potential prosecution of key players in the alleged corrupt relationship between Bosasa and the Department of Correctional Services (DCS).

The company's influence, according to former COO Angelo Agrizzi, went as far up as the head of the NPA at the time, Menzi Simelane. Agrizzi testified earlier that Bosasa associate and intelligence gatherer Sesinyi Seopela was trusted within the company with sourcing valuable information from law enforcement agencies. Seopela, he said on Thursday, had a close relationship with Simelane, and played a huge role in getting him to kill the case.

Senior NPA advocates Nomgcobo Jiba and Lawrence Mrwebi were paid to leak any and all information related to the case, so that Bosasa could know its progress at any given time. The facilitator of this arrangement was former DCS national commission Linda Mti, who was himself implicated in the SIU investigation as having played a role in the irregular processes of awarding Bosasa a number of contracts over a period of several years. Bosasa secured its first contract with the department in mid-2004, providing for catering services in prison kitchens.

The company would continue to get more contracts, also irregularly, as well as extensions – mainly through subsidiaries – all the while raking in hundreds of millions along the way. By the time the SIU swooped in, they were well in the money, with close to 80 public officials on their payroll, according to Agrizzi. He did not say if Simelane himself got money from Bosasa.

Mti resigned from the department in 2007, but remained on Bosasa's payroll, in respect of an arrangement between the two parties that as long as the company had the catering contract, Mti would get monthly payments of R65 000. According to Agrizzi, it was Mti who suggested to him and CEO Gavin Watson during a meeting at his home that they move their cash benefit scheme into the NPA. Jiba, Mrwebi and the former's personal assistant, Jackie Lepinka, would be ideal. Lepinka had previously worked in Mti's office in the same capacity.

And so began the monthly cash deliveries, made out each month at R100 000, R10 000 and R20 000 for Jiba, Mrwebi and Lepinka, respectively. Asked by commission chair Deputy Chief Justice Raymond Zondo why Mrwebi, being senior to Lepinka, was getting less than her, Agrizzi said amounts paid were in proportion to how much the person could do for them. He had the gallery in chuckles when he revealed the code names that he, Watson and Mti would use in reference to the NPA staff. Jiba was called "snake", because of her sharpness and alertness, while Mrwebi was referred to as "snail" as he was slow and "almost lethargic".

As per their arrangement, Jiba and Lepinka would always provide Bosasa with documents concerning the case, through Mti. Agrizzi told the commission that he could not say for sure if Mrwebi also did this, as Mti would always refer to the “ladies” being with him, whenever notifying him of the latest delivery of documents. Some of these were strictly confidential, as pointed out by evidence leader Paul Pretorius.

Two of them were memoranda indicating correspondence between Simelane and another senior NPA advocate at the time, Glynnis Breytenbach. In the first, Breytenbach – whom it seems was handling the case at the time- updates Simelane on its progress, 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. It is dated February 2010, and four days later a response from Simelane not only chides Breytenbach on her insinuations on Mti, but instructs her and her support team to withdraw from the case, and focus on the ones that have dockets available.

A month later, a ministerial progress update meeting hears that the NPA proposes withdrawing 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.

Also among information leaked to Bosasa were lists of potential witnesses whose statements were to be sought to help strengthen the case, as well as actual statements made under oath, and already submitted to law enforcement.

Agrizzi continues to testify.

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