



7 February 2019

Zondo Commission – the wheels of justice turn slowly, Bosasa execs charged 10 years after an SIU investigation

At the beginning of Angelo Agrizzi's testimony before the commission of inquiry into state capture on 16 January, he was asked by evidence leader advocate Paul Pretorius if he was aware that parts of his sworn affidavit implicate him in unlawful activities. Agrizzi confirmed that he was aware, and went on to reveal intricate details of how his employer, Bosasa (now African Global Operations), participated in money laundering, bribed politicians and senior public officials, and rigged government tenders worth millions to their advantage.

Now, less than a month after the former Bosasa COO took the oath before Deputy Chief Justice Raymond Zondo, Agrizzi is out on R20 000 bail, having been arrested this week on fraud and money laundering charges. Appearing alongside him were erstwhile colleagues Andries van Tonder, the former CFO of Bosasa; former Bosasa fleet manager Frans Vorster; former CFO of the Department of Correctional Services (DCS), Patrick Gillingham; and others. Former DCS commissioner Linda Mti was reportedly still to be formally charged at the time of writing of this article. According to Hawks spokesperson Hangwani Mulaudzi, the former public officials "allegedly received and accepted gifts in the form of cash from Bosasa. They also allegedly received assistance in acquiring properties, motor vehicles from dealers, and other assets, along with payments to travel agents for overseas travel." The charges, he said further in the statement, were related to a Special Investigating Unit (SIU) report from ten years ago.

Agrizzi and Vorster in particular told the inquiry during their oral testimonies that Bosasa bought a total of five cars for Gillingham over a period, for himself and some members of his family. Vorster gave details of how these purchases were made, and how the money for the cars was made available, while Agrizzi explained his role in helping Bosasa get four contracts with DCS. Gillingham was further implicated by Agrizzi in the rigging of four contracts between Bosasa and the DCS, valued at over R1-billion. Tender specification documents were found to have been shared between Gillingham and some of Bosasa's directors, before the tenders were advertised. This meant that not only did Bosasa have insight into the tender requirements, but they helped draft them.

The Hawks' move has received mixed reactions. While the arrests are hailed as a step in the right direction for decisive law enforcement, there are also concerns that this will deter potential witnesses who would have willingly given evidence before Zondo. Another dynamic is that members of the public view it as selective enforcement, as the politicians implicated in the witnesses' statements have not been arrested or charged.

Several high-profile politicians such as current ministers Nomvula Mokonyane and Gwede Mantashe have been implicated in Bosasa's favour-buying spree – they received security and maintenance at their private homes. Deputy minister of correctional services Thabang Makwetla is also alleged to have received the same. MP Vincent Smith, according to Agrizzi, has a long-standing relationship with Bosasa, having received the same as the two ministers, as well as monthly cash payments while he

was chairperson of the portfolio committee on correctional services in Parliament. Mokonyane was also implicated by Agrizzi in the cash-for-favours scheme.

Details of the laundering process surfaced at the inquiry, with Agrizzi testifying that many avenues were used.

For years, he said, the SIU investigation of the company, and its subsequent report, were a cause for panic and anxiety, but none of the Bosasa directors or CEO Gavin Watson ever saw the inside of a courtroom because they bought their freedom for as long as they could. Senior advocates Nomgcobo Jiba and Lawrence Mrwebi – both currently facing a judicial inquiry to ascertain their fitness for office at the National Prosecuting Authority – were bought by Bosasa to reveal information about the case. Former Hawks head Berning Ntlemeza was also named as a key protector of Bosasa; he stymied the progress of the investigation and potential prosecution of its leaders. Agrizzi also dropped the name of former NPA head Menzi Simelane to give context as to why, despite the clear recommendations by the SIU for all implicated parties to be criminally charged and prosecuted, nothing ever happened.

All of the accused will return to court on 27 March.

Useful links:

[Zondo Commission website](#)

[Department of Correctional Services](#)

Corruption Watch's [Zondo Commission update page](#)