



31 January 2019

Zondo Commission – former Bosasa IT head told to delete incriminating data from servers

The man tasked with faking a server crash at Bosasa – meant to deter Special Investigating Unit (SIU) investigators from copying incriminating files in their probe of the company 10 years ago – testified before the commission of inquiry into state capture on Thursday. Leon van Tonder left the company in May last year, a decade after he allegedly participated in the illegal deletion of files relating to the multi-million-rand catering contract with the Department of Correctional Services (DCS), a contract that at the time could have landed his bosses in hot water.

The SIU went after the company to investigate allegations that the four contracts it had with DCS were obtained irregularly. It later found that there were gross irregularities, and pointed out former DCS CFO Patrick Gillingham specifically as being central to the corruption. The SIU recommended at the time that criminal action be considered against Gillingham.

Former COO for Bosasa, Angelo Agrizzi, told the commission during his testimony earlier in the month that at the time directors of the company and SIU investigators had entered into an agreement that a server inspection could be done in the first week of December 2008 to allow probes into their electronic data. The directors had learned of the probe in November, and had removed all printed documents relating to the DCS from the head office of Bosasa. These were taken away for storage.

Bosasa asked the SIU for a postponement, in order to buy time for their technicians to sweep the servers and remove anything that could be linked to irregularities in the way the contract, and the ones obtained subsequent to it, were acquired.

“I was given keywords to search for, like ‘tender specifications’ and ‘catering’,” said Van Tonder. The search did yield two files of special interest to him, connected to the catering contract. He first copied the files to two hard drives, and only then proceeded to delete them. He did this, he said, as a way of gaining collateral in case there was an investigation in the future that may require such evidence.

Another instruction that concerned Van Tonder came from Agrizzi, and it was for him to write a statement – to potentially help protect the company – in which he would say that the deletion activity he was engaging in was a routine requirement of the company. This was presumably done in case the SIU asked why they deleted files. Although Bosasa did do routine data deletion drives, it was usually for non-business-related data, so the statement would have been misleading in respect of the additional irregular request.

Van Tonder had been with Bosasa since 1996, when he was the only IT person in the company. Over the course of his career, he would notice a deterioration in his relationship with CEO Gavin Watson, which led to a demotion in 2005. He was removed from his position as head of IT and transferred to subsidiary company, Sondolo IT, until 2008, when he would be asked to work on the server crash. His brother Andries van Tonder, who was CFO of Bosasa for several years, also testified before the commission earlier in the week.

Useful links:

[Zondo Commission website](#)

[Department of Correctional Services](#)