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Zondo Commission – SIU’s Bosasa investigation hamstrung from the start

The 2009 Special Investigating Unit (SIU) report on facilities management company Bosasa– on the basis of which the Hawks arrested and charged six suspects for alleged contract corruption in February this year - was compromised by a court interdict in the early stages of the probe in 2007 that prohibited investigators from interviewing material witnesses. Among those who could not be interviewed was CEO Gavin Watson, whose name appears nowhere in the final report, although his own employees implicated him in corruption, and he was the mastermind in the company’s dodgy dealings with government. This particular investigation focused on contracts between Bosasa – now African Global Operations – and the department of correctional services (DCS).

Giving evidence before the commission of inquiry into state capture on Monday, former SIU senior investigator Clinton Oellermann, who led the investigation, said witnesses repeatedly told his team how Watson was instrumental in Bosasa’s wrongdoing. The parties reached a compromise following the interdict, issued in the North Gauteng High Court, wherein several interviews were off the table, if the investigation were to continue. Oellermann said despite their frustrations over this development, which was partly influenced by legal advice sought by the SIU, his team saw it as motivation to look even deeper into the evidence that they had gathered thus far. It meant, though, that without the interviews, the investigators would not be able to advance their probe to the extent that they would have loved to.

The report found that the four contracts between Bosasa and the DCS were irregular. It further recommended criminal investigation of several key people linked to the deals. The scope of the investigation was limited to the catering, fencing, CCTV cameras and TV installations contracts awarded to Bosasa between 2004 and 2006, and worth more than R1-billion per annum collectively. The implicated senior DCS officials were former national commissioner Linda Mti and former CFO Patrick Gillingham. Both men are part of the group recently charged, alongside former Bosasa COO Angelo Agrizzi, CFO Andries van Tonder, Frans Vorster and Carlos Bonafacio.

Watson, Oellermann was told, never put his signature on any documents that could implicate him, and never sent e-mails in which he may implicate himself. This is in line with Agrizzi’s evidence – he told the inquiry back in January that Watson often boasted that he could never be pulled into any allegations of corruption because he learned a long time ago to use his mind to remember important facts and never put his signature on anything incriminating.

A further hurdle for the report occurred at the National Prosecuting Authority, where then head Menzi Simelane rubbished it as a political tool advancing a particular agenda, and deeming it unconstitutionally formulated. Its contents, he argued in a meeting with then ministers of justice and constitutional development and correctional services, Jeff Radebe and Nosiviwe Mapisa-Nqakula respectively, showed no prospects of a successful prosecution.

Oellermann continues to give evidence.

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