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Zondo Commission – bribes for politicians all in a day's work for SAX's Brian van Wyk

A second company allegedly used to re-channel funds from a R51-million per annum contract by SA Express (SAX) in 2015 has come under the spotlight of the commission of inquiry into state capture. Neo Solutions CEO Vivien Natasen testified on Friday to transactions by former SAX general manager for commercial, Brian van Wyk, which involved Natasen's company.

The first company was Asset Movement Financial Services (AMFS), a cash movement firm previously owned by Kalandra Viljoen, who testified in June. She confirmed the payments amounting to R9-million into the AMFS account that she was then asked to cash for Johannesburg businessman George Markides.

Van Wyk has been positioned in previous testimony as being the mastermind behind an alleged scheme involving SAX and the North West transport department, which had a joint responsibility for the multi-million-rand project. A contract was awarded to Koreneka Trading and Projects in May 2015 for ground handling services to the two airports in the North West province, namely Pilanesberg and Mahikeng. No procurement event was undertaken for the contract, and it was ruled unlawful by the Mafikeng High Court in March 2016.

The company's owner, Babadi Tlatsana, claimed in her evidence last month that Van Wyk, who led the project, took over control of Koreneka immediately after the award, hiring staff and overseeing the management of the company account. Days after the tripartite contract was signed between Tlatsana and the two state entities, an amount of R8.5-million was paid into the company's account for work to commence at Pilanesberg airport. Almost as quickly, several amounts totalling R4-million left the account, paid by accountant David Kalisilira, apparently to suppliers who would help bolster the business, Tlatsana was told by Van Wyk. Apparently to keep Tlatsana calm, she received a R500 000 payment, described by Van Wyk as a dividend.

The same trend would follow in September, when a further payment in relation to Mafikeng was made followed soon afterwards by a withdrawal. Neo Solutions at this point was frequented by Van Wyk, according to Natasen, who said the pair had grown close, having first met in 2014. Both being qualified chartered accountants, Natasen told the commission he saw nothing suspicious when Van Wyk expressed interest in October in a farming business venture that the former had an idea about. The two began talking, and soon a team was developed that would work on a feasibility exercise and general strategy. Assuming that the venture would cost around R100-million, the pair agreed that the capital required for the venture would be constituted by an 80% loan and a buy-in of 10% each.

Van Wyk's share arrived in late October. He asked that the R10-million be placed in the Neo Solutions account, away from any accounts associated with him, according to Natasen. Two deposits of R5-million each were then made on 11 and 12 November into Neo Solutions, an account that is consistent with Tlatsana's testimony that those exact amounts left Koreneka's account on the same dates. She told the commission that the second transaction raised alarm with her bank, which then checked with her if it was

in order, before proceeding on her approval. At the time, however, Tlatsana's view was that the transactions were suspicious, but Van Wyk told her when she enquired on their authenticity that they were to pay for the installation of CCTV cameras at both airports.

Natasen on Friday was challenged by commission chairperson Deputy Chief Justice Raymond Zondo on why it did not seem odd to him that Van Wyk had asked to place his money in Neo Solutions, and not hold it until it was needed for their joint venture. "The guy was a friend, he gave me an undertaking that there was nothing untoward about the funds," he replied. Natasen confirmed that Neo Solutions had never installed cameras at the airports.

A month after the R10-million had been sitting in Neo Solutions, Van Wyk contacted Natasen twice, asking for access to some of it because, he explained, he had suddenly come into an opportunity to buy property worth R9-million. Two payments were then made to Van Wyk of R4-million and R3-million on 11 and 22 December, respectively. Because he was out of town at the time, Natasen simply instructed his accountant at Neo Solutions, Eugene Reuben, to make the payments, informing Reuben of the account they were to be made into. He would learn the destination of the two amounts only in September 2017, when these and several other payments related to the contract were being probed.

A private investigation by Tlatsana, conducted by an independent firm she hired, she said, after Van Wyk had repeatedly dismissed her probing questions about the company's finances, revealed that the payments were made to Batsamai Investments. This entity's registration date, she said, was on the same day as the first of the two transactions from Koreneka, on 11 November. It was also discovered by the investigators that Batsamai was registered under the name of Van Wyk's partner, Siphon Phiri.

Tlatsana instructed her bank to prohibit any further payments from Koreneka without her approval. This prompted Van Wyk to arrange a meeting with Tlatsana in January 2016, where he allegedly told her that the monies transferred from Koreneka had gone towards bribes for key politicians in the project. Former ministers Dipuo Peters and Lynne Brown were named as beneficiaries, as was former North West premier Supra Mahumapelo. Senior transport and SAX officials were also expecting to be paid for having assisted in making the project a reality. "If you're not taking care of them, you'll never get your payment," Van Wyk told her.

Tlatsana would not budge, and told the commission that as a result the project was taken away from her and given to another company, Valotech. It was on the back of this that Tlatsana pursued court action.

From Neo Solutions, Van Wyk requested a further R300 000 in early January 2016 in cash. Tlatsana accounted to a statement by Van Wyk during their meeting, later in the month, that he had had to pay towards the ANC's 8 January rally. Van Wyk requested a further two payments of R1.4-million and R1.2-million from Natasen two months later, in March.

An application by Natasen to cross-examine Tlatsana was declared deficient by the commission's legal team, which took the view that it did not meet the standard requirement of stipulating the specific elements of witness testimony that a cross-examination seeks to test.

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