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Zondo Commission – “Blesser” Ace should be in jail

Former Free State MEC of economic development Mxolisi Dukwana wants to see ANC secretary–general Ace Magashule in jail for his involvement in what he calls the “asbestos heist” during Magashule’s time as premier. Dukwana is testifying before the commission of inquiry into state capture, and is into his second day.

Magashule, he told the inquiry, is not fit to hold public office or the office of the SG of the ANC.

Magashule was the premier of the province when its human settlement department signed off on a R255-million project in 2014 to eradicate asbestos roofing from all pre-1994 housing units in black townships across the province. According to Dukwana, he played the role of a “blesser” instead, overseeing a scheme that involved officials and politicians receiving bribes from the appointed service provider for their role.

Among documents that Dukwana claims proves Magashule’s involvement is an e-mail that he read into the record, which he said was from suspended Sars executive Refiloe Mokoena, who was at the time based in the Free State and would on occasion act as a judge in one of the province’s courts. Mokoena addresses Magashule in the e-mail, thanking him in advance for payment of US\$24 000 towards the university fees of her daughter.

Dukwana’s knowledge of what transpired in the project was due to his close relationship with one half of the joint venture that was awarded the contract. The late Ignatius “Igo” Mpambani, who was shot and killed in a suspected hit in 2017 in Sandton, took Dukwana into his confidence on numerous occasions, telling him about the importance of some officials and politicians in making the project a reality. There was no tender for the project, and the unsolicited proposal from the joint venture, which included Blackhead Consultants and Diamond Hill Engineering, claimed an urgency in the replacement of the roofing at the time.

From Mpambani, Dukwana also determined that the funding for the project would be sourced from national government and not the province, implying that this arrangement required a key facilitator, referred to during proceedings only as “Mr X.” The reason the implicated person – one of over 30 in Dukwana’s statement - is not named in proceedings, is that his legal representative Mike Hellens applied to commission chairperson Deputy Chief Justice Raymond Zondo for permission to bar Dukwana from mentioning his name during his testimony. An arrangement was agreed on that Dukwana would refer to the individual as Mr X until a ruling would be made on the matter.

The first payment made in respect of the project was R51-million and was made on 1 December 2014, despite the appointment letter being dated 2 December, said Dukwana. The payment was made before any work on the project had begun. The next tranches would be paid early in the following year. The

joint venture's tax compliance status should have also been a red flag, Dukwana pointed out, as its tax certificate at the time of the appointment letter was due to expire the very next month, in January 2015. In the appointment letter, the department required Blackhead Consultants and Diamond Hill to "audit, assess and GPS" a total of 300 000 housing units, at a cost of R850 each. The venture's proposal to the department pointed to the urgency of such a project, given the risk associated with asbestos roofs. This point was rubbished by Dukwana, who said many townships in the country have the same type of roofing on housing units, without threat of ill health to their inhabitants.

The red flags in how the project was managed, he said, are many. They relate to how the cost of the project was projected, with no justification for the R850-per-unit arrangement. What should have happened, if the department indeed saw a need for such an exercise, was that ward committees that service municipal wards in each area could have been used to assess the level of need for the replacement of asbestos roofs.

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