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Zondo commission – Agrizzi using convenient memory loss to avoid perjury, says Wakeford’s lawyer

Angelo Agrizzi is healed from racism and more than he is a whistle-blower, he is a hero who exposed corruption perpetuated by his former employer Bosasa, he has revealed. Agrizzi was cross-examined on Thursday evening by the legal representatives of Kevin Wakeford, one of over 200 people he implicated in his evidence before the state capture commission in explosive testimony heard in early 2019.

Wakeford was the CEO of state-owned arms company Armscor when Agrizzi, who was previously COO of Bosasa, implicated him in corruption on behalf of Bosasa (later Africa Global Operation). Agrizzi said it was in the time when Wakeford was retained by the facilities management company as a consultant that he influenced key officials in Sars and the Department of Home Affairs in favour of Bosasa, in return for monetary favours from the company. This Wakeford did with the blessing of Bosasa’s former CEO, the late Gavin Watson, said Agrizzi.

Wakeford immediately denied Agrizzi’s claims in 2019, and took special leave as a consequence of his surprise appearance before the commission. This was in circumstances where commission chairperson Deputy Chief Justice Raymond Zondo allowed the testimony to go ahead despite the fact that none of the people Agrizzi implicated were notified ahead of his appearance, owing to security threats to him as a witness.

Through his legal representative, Advocate Reg Willies, Wakeford accused Agrizzi on Thursday of creating a non-existent threat, and using the commission to advance an agenda to collapse Bosasa so that he could benefit by seizing the business opportunity left by the 2019 liquidation. This happened after Agrizzi’s testimony as well as arrests relating to some of its government contracts.

The first port of call for Agrizzi was to highlight his current state of health to commission chairperson Deputy Chief Justice Raymond Zondo, through his attorney, Advocate Daniel Wits. “I’ve requested that he be given some time because he’s surviving on oxygen, which he’s got connected to him, so he gets tired at times, just to give him that opportunity.” Agrizzi appeared remotely with an oxygen machine attached for support, following what he described as a deterioration of his health since his last appearance.

This did not deter him from returning jabs from Willies, in back-and-forth exchanges of character slating akin to Dali Mpofu’s cross-examination of Cabinet Minister Pravin Gordhan last year, in representation of former Sars commissioner Tom Moyane.

Would Agrizzi be willing to admit that his evidence was at times mistaken, and fallible, asked Willies, who questioned his positioning himself as a whistle-blower.

“You came before this commission and gave your evidence under circumstances where you put yourself forward as a whistle-blower whose life was in danger ... and on that basis the rights of many people ... to be given notice in terms of Rule 3.3 were denied,” Willies said.

“After reading the book by Mosilo Mothepu, she makes the comment that we are not whistle-blowers, we are actually heroes. We’re the one who exposed the rot and corruption, at a loss. You have a salary at the end of the month, we don’t,” said Agrizzi.

On his relationship with Wakeford, described by the latter as adversarial due to Agrizzi wanting to influence Gavin Watson’s decisions, Agrizzi said this could not be further from the truth. “I don’t despise Mr Wakeford. I despise the things that he did that put us in the situation that we are in today.”

Willies spent some time on an allegation Agrizzi made against Wakeford that the latter played the part of middleman during a period in 2009 when Bosasa faced a “major investigation” by Sars into its affairs. Wakeford influenced a delay into the investigation by keeping a key official in the matter, George Papadakis, in Bosasa’s favour. Willies put to Agrizzi that he was postulating and making up a situation that did not exist by positioning Wakeford as being influential in “managing” Sars by facilitating a bribe of cement worth R600 000 for Papadakis. Agrizzi’s version was that Wakeford approached Watson with a proposal to get Papadakis on board to stifle the investigation, in return for a R100 000-per-month reward for Wakeford, and cement for Papadakis.

Agrizzi lied, Willies argued, as evidence in Bosasa’s own records shows that although cement was indeed ordered for Papadakis’ home renovation project, this was done as a favour during a cement scarcity, and was not done in 2009, as Agrizzi had said, but later.

For more than two hours, the two men sparred over the timeline of the alleged cement bribe, with Agrizzi changing position from initially saying he could not name the actual Sars investigation into Bosasa – only committing to it focusing on one of the big Bosasa entities – to claiming he could not remember.

“Mr Agrizzi, you have made very serious allegations against someone, against a lot of people. It doesn’t help to say I don’t remember. You must remember. Surely this man is not going to let up until he has proven his innocence,” said Willies.

“I put it to you that you are too scared to commit yourself. You know your answer.”

At some point the legal teams for both sides had to retreat to Zondo’s chambers to discuss the parameters of an area of evidence first brought up by Wakeford in his testimony in May, over which the DCJ had not ruled. This involved details contained in documents relating to the liquidation process of Africa Global, following Agrizzi’s exposure of its alleged irregular government contracts. Wits argued that it was not public material and was being used dishonestly by Wakeford’s legal team to introduce new evidence against Agrizzi. Zondo ruled that he would make a decision on the admissibility of the documents in due course.

Wakeford was barred from using the information – confidential in nature – in his own testimony in May after Wits objected.

The other point of contention between Wakeford and Agrizzi was the allegation that the former influenced the extension of Bosasa’s Lindela Repatriation Centre contract, which involves transit accommodation and facilities for immigrants awaiting deportation into neighbouring countries.

According to Agrizzi, Wakeford’s close proximity to home affairs at the time of negotiations over the contract’s extension positioned him well to influence the extension, which he said on Thursday still stands. He further claimed that a key official in the matter visited his house last year decrying the fact that Bosasa never paid in full the agreed-upon kickback of R7-million promised at the time.

Willies said his submission was that the commission should declare Agrizzi a dishonest witness who misled proceedings to advance his own personal agenda under the guise of whistle-blowing.

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