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### **Zondo commission – Mabuyakhulu donation comes back to haunt junior ANC official**

An ANC office bearer in the KwaZulu-Natal provincial office, Delani Mzila, has told the commission of inquiry into state capture that the affidavit he signed on behalf of the party in 2009, confirming the receipt of a R1-million cash donation, was imposed on him as he was not fully aware of the details of the donation.

Mzila's testimony follows that of former party provincial treasurer Mike Mabuyakhulu and the ANC KwaZulu-Natal's attorney Sibusisiwe Zulu (nee Ngubane), a partner at Ngubane Wills Incorporated. Mzila said on Friday he was asked by Zulu to sign one affidavit on behalf of the party, as he was the official in the finance department providing support to Mabuyakhulu, and was privy to the day-to-day operations of its books. The contents of it were not, however, prepared by him.

He took comfort in having been told by Mabuyakhulu prior to the signing that there had indeed been a donation to the party that paid for several needs ahead of its elective conference in June 2009. On the basis of that background information, and with the knowledge that not all aspects of the event were paid for from the official account that he managed, he went ahead and signed. Mzila had been told that the affidavit was in support of an investigation by the provincial Hawks, but the details of what the unit was probing were not clear to him at the time.

The commission has been following evidence from a PricewaterhouseCoopers report by forensic auditor Trevor White, which suggests that the cash was donated from proceeds of a R144-million contract allegedly awarded fraudulently by the departments of health and local government to businessman Gaston Savoï's Intaka Holdings in 2008. The two departments contracted Intaka to supply water purification and oxygen plants, but procurement processes were not followed, said White in 2020.

According to him, his investigation revealed that long before a tender was advertised in 2007, Intaka already had reason to believe they had it in the bag, as evidence he found showed that heads of both departments were in cahoots with Savoï, who even partly provided the tender specifications, which were altered from their original form to accommodate Intaka.

White contends that the conduit between Savoï and the ANC was the then head of the health department, Sipho Shabalala, who was confirmed by Mabuyakhulu as the one who delivered the cash to the party offices. Mabuyakhulu has repeatedly told the commission that he believed Shabalala to have raised funds from a separate source, and not from Savoï, as White insists. His attorney AJ Dickson cross-examined White on Tuesday, calling his evidence flawed as it relied on circumstances that did not relate.

"I did not have personal knowledge of the R1-million. I also did not have personal knowledge that it was from Dr Savoï," said Mzila, adding that he was under the impression that Zulu had done her own investigation on the matter. He said he had to depose to a second affidavit to clarify that he did not have personal knowledge of certain points contained in the first.

White's investigation was commissioned by the provincial treasury in early 2009, and was meant to follow the funds from the contract proceeds. During his probe, he learned that Savoi made deposits of varying amounts to entities linked to Shabalala and his wife Beatrice. One such transaction was for R1.058-million into the trust account of law firm Khubone Shezi Attorneys, and while some of the money paid for certain business expenses, White believes the R1-million cash was drawn from the rest.

Commission chairperson Deputy Chief Justice Raymond Zondo warned Mzila about the dangers of committing perjury by deposing to an affidavit that does not contain information he is aware of.

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