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Zondo commission – Digital forensic evidence places Koko in pre-suspension drama

Matshela Koko appears to have used an existing pre-suspension letter meant for one of his subordinates at Eskom as a template to draft his own ahead of the suspensions of March 2015 that saw him and three other executive managers removed by the board. This was heard by the state capture commission on Monday, during the testimony of expert witness and digital forensic investigator, Lance Poon.

Koko, who was head of commercial and technology at the time, was suspended along with CEO Tshediso Matona, CFO Tsholofelo Molefe and group capital head Dan Marokane on 11 March 2015, but was the only one allowed to return, while the others were offered separation agreements.

Pre-suspension letters thought to have been meant for the executives were prepared with individual charges relating to each of their roles, but not handed to them, after independent consultant Nick Linnell entered the fray on the morning of the suspensions with new letters. The Linnell letters were more general, and did not specifically charge the executives with any wrongdoing, but instead revealed the position of the board's intention to launch a probe into Eskom's performance. For that probe to happen, the four were told they would have to vacate their posts temporarily, to avoid interference with the process.

The commission has focused on Koko's part in the suspensions process, as he was implicated by three witnesses as having known prior to the 11th that it would happen, and that he would later return. Suzanne Daniels, Abram Masango and Nonkululeko Dlamini all testified that Koko told them on the eve of the suspensions that they would be happening.

Poon told the commission on Monday that around 15h00 on 10 March, Koko was among those who participated in the modification of a pre-suspension letter meant for himself. About three hours later the letter reached board member Zithembe Khoza, but not after it had gone through an unidentified Apple gadget. Poon said he drew this conclusion after inspecting the properties of both documents, found in Koko's and Khoza's computers, which contained traces of Apple Mac properties. Neither of the two appeared to have used an Apple gadget supplied by Eskom at the time.

Daniels previously told the commission that Koko knew prior to the suspensions that they would happen, and that he would be among those removed. She said he told her this at a meeting at the Melrose Arch office of Gupta associate Salim Essa, who himself questioned Daniels on suspension processes at Eskom and the hypothetical processes that would unfold should the executives be suspended. The same was said by Masango, who said Koko told him that he would likely be asked to act in Marokane's position thereafter.

The letter modified by Koko, said Poon, originated from an email sent to him by Daniels weeks before the suspensions, in February. In its original form, it was meant for Malesela Sekhasimbe, a general

manager who had reported to Koko and had by this time been suspended by him for insubordination regarding a procurement process.

The Sekhasimbe letter detailed charges on the basis of which he was being suspended, as well as general wording on the basis of which the company was taking this action. A slightly altered version of the letter would later resurface on Koko's computer, modified from its original form to reflect the same general basis – minus the specific charges – relating to Koko this time. The second letter claimed to be intending to suspend Koko because he neglected an important oversight task relating to Kusile power station, inadvertently costing Eskom large amounts of money as a result.

Poon's investigation and subsequent testimony came as a result of Koko's insistence that the commission probe Daniels's computer which, he said, is where he believed the origin of the suspension letters to be. Koko's claim was that Daniels worked in cahoots with board chairperson Zola Tsotsi at the time to concoct a reason for his suspension following his sanction against Sekhasimbe.

He told the commission that his return later could only be attributed to the fact that he was suspended in bad faith because of a personal vendetta Tsotsi held against him. Koko has also denied the versions of Daniels, Masango and Dlamini that he told them of the pending action before it happened.

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