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Zondo commission – Eskom execs suspended on Myeni’s call, while she was at SAA

Former Eskom chairperson Zola Tsotsi has told the commission of inquiry into state capture of a tumultuous period in early 2015 when former president Jacob Zuma instructed the board to suspend certain executives, including then acting CEO Tshediso Matona.

Tsotsi said his counterpart at SAA, Dudu Myeni, called him on Saturday 7 March 2015 to tell him that Zuma requested his presence at a meeting at his Durban home. He was scheduled to travel overseas, said Tsotsi, but had to cancel that trip and make his way to Durban.

Before the meeting commenced and Zuma joined the group, Myeni advised all those present – including her son Thalete and consultant Nick Linell – that they would talk about a solution to the problems at Eskom. In particular, said Myeni, the discussion would centre on Eskom’s poor performance, and the complaints from government’s ‘war room’, led then by Cyril Ramaphosa, over the lack of updates from Eskom leadership.

Linell offered to assist in drawing up a plan to solve the problems, said Tsotsi.

Once Zuma joined the group, the official meeting began, with Myeni – who appeared to Tsotsi to chair it - outlining a proposal for the power utility to institute an enquiry into how the company was managed, and for that to happen, they would have to suspend several executives, to avoid interference.

“The president was not very engaging in the meeting, he asked a few things ... I recall him asking if I knew who the people were or are who are to be suspended. So I said Dudu Myeni had mentioned their names,” said Tsotsi.

The three were CEO Tshediso Matona, head of technology and commercial Matshela Koko, and Dan Morakane, who headed of capital projects.

Tsotsi said he was not only shocked at the suggestion, but was opposed to it. He presented a different approach altogether, one where the company could find a way for the executives to recuse themselves from the proposed intervention, as suspensions had serious consequences.

The meeting concluded with a directive from Zuma for Tsotsi to relay the details of the proposal to the rest of the board, while he would engage then minister of public enterprises, Lynne Brown. Linell, meanwhile, worked on the board resolution and memorandum documenting the plans, to be circulated to the board. According to commission records, said evidence leader Advocate Pule Seleka, these were circulated by the company secretary that same evening, with the board scheduled for an urgent meeting the next morning.

Commission chairperson Deputy Chief Justice Raymond Zondo asked Tsotsi: “Did you at any stage query Ms Myeni’s involvement in Eskom affairs?”

“Chair, this is a question which I did not address at that meeting. But it’s something that preoccupied me for some time to the extent that I actually decided to call her to ask her what is going on, how did you come in this picture, what’s the deal? and Dudu did not avail herself for us to talk about this.”

How did he feel about the instruction from Zuma, Zondo asked.

“I felt that it’s one thing to listen to what the president had to say in this regard, but it’s another for me to exercise my fiduciary duty as a director of the company, and that’s exactly what I elected to do. I decided that this matter has got to pass the test of reason by the board.”

The board considered the proposal, and decided to reconvene two days later, on 11 March, to discuss the matter further. At this meeting, which Brown later joined, she expressed her support for the proposed plan, including the suspensions, and in fact added a fourth name, that of then financial director Tsholofelo Molefe.

The board resolved to institute the inquiry, and the executives were suspended.

Tsotsi is expected to conclude his testimony on Wednesday.

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