


***Prima facie* case for cash bribe claims against ex-Transnet bosses - Zondo report**

 By [Valencia Talane](#)

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The state capture commission wants former Transnet executives who managed the parastatal in the period under its investigation to be probed further for corruption involving cash bribes it says they may have received in return for enabling capture by Gupta-linked companies.



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Former GCEO Brian Molefe and former GCFO Anoj Singh, along with their respective successors Siyabonga Gama and Gary Pita, were implicated by three of their former close protection officers (CPOs), who also provided driving services intermittently over some years. Commission chairperson Acting Chief Justice Raymond Zondo writes in the latest edition of his report that there is enough *prima facie* evidence to suggest that the four did receive cash from the Guptas in exchange for facilitating the irregular high-value contracts awarded to companies linked to them.

The commission looked at Transnet's R70bn-plus locomotives procurement processes entered into from 2011, its manganese expansion project, and the IT data T-Systems tender of 2010. In all these matters, Gupta-linked companies – through the facilitation of close associate Salim Essa – are believed to have been brought on board unlawfully, without proper processes being followed, often as supplier development partners of legitimate contractors. Zondo has concluded in his report that the four executives and some board members were all part of a scheme meant to enrich the Guptas by circumventing procedure in giving business to their companies.

Witness statements

In addition to the executives, he also wants former public enterprises minister Malusi Gigaba to be probed, as one of the CPOs provided services for him at one stage and testified that, like the others, Gigaba was driven to the Gupta home on several occasions, and was at times seen with large amounts of cash, presumably from the family. Gigaba, who held the portfolio between November 2010 and May 2014, was said by his former driver to usually spend his cash on clothes bought at high-end retailers.

The three witnesses, who all testified in-camera, told the commission of occasions when they drove the executives and minister to the Gupta home in Saxonwold as well as to other locations to meet either Ajay or Rajesh Gupta.

“Mr Molefe was incriminated by Witness 1 who has worked in close protection since 1989. Prior to giving testimony to the commission, Witness 1 was subjected to sinister threats of death and extreme violence in messages sent to his phone. He was also followed by vehicles acting suspiciously,” Zondo writes in the report.

“Witness 1 performed close protection and driving services to Mr Molefe from February 2011 until August 2014. He testified that he transported Mr Molefe to various meetings with Mr Ajay Gupta and other at different places over a period of time.”

The former protector also cited several incidents where he travelled with Molefe, on some occasions to the Gupta residence in Saxonwold, where the GCEO would carry a backpack. Once, Molefe while in a meeting instructed him to fetch something from the backpack, which was in his office at Transnet at the time, and Witness 1 testified that he found large amounts of cash in it.

“This evidence, assessed together with the evidence regarding Mr Molefe’s appointment [to the GCEO position in 2011], the role he played in the various transactions tainted by irregularity and corruption that favoured the Gupta enterprises and his frequent association with the Guptas, left unanswered, would amount to a *prima facie* case of corruption and possibly racketeering.”

Large amounts of cash

Similar allegations were levelled against the other three executives and Gigaba, where the protectors placed them in close proximity to large bundles of cash, usually contained in sports bags in their official cars. In the case of Singh and Pita, Witness 3 also told the commission that he would drive both to Knox Vault, a facility in northern Johannesburg that leased out safety deposit boxes. The trips to Knox Vault would be close to their visits to the Gupta home, so he presumed that they would be storing cash there. Both men denied that they kept their boxes for the storage of cash from the Guptas.

“Mr Singh lied about the number and purpose of the boxes. After his initial explanation in his evidence before the commission that he had only four boxes for a few family valuables and some cash (which he said implausibly was earned through gambling and moonlighting), Mr Singh was confronted with the Knox Vault record which showed that over a period of time he incrementally kept changing the boxes, upgrading them from small to extra-large as his leased boxes became unable to accommodate the larger contents he needed to deposit in them.”

Of Pita, Zondo notes: "During his testimony, Mr Pita was at pains to put distance between himself, Mr Essa and the Guptas ... the evidence nonetheless confirms that Mr Pita had ongoing engagements with them at several meetings at the Gupta compound, at Mr Essa's offices, and at restaurants in Johannesburg.

"For the reasons outlined, the evidence relating to the cash bribes gives rise to strong and convincing reasonable grounds that Mr Molefe, Mr Gigaba, Mr Singh, Mr Gama and [former board chairperson] Mr [Thami] Jiyane corruptly received property from and participated in the conduct of the affairs of the Gupta enterprise ... appropriate referrals for investigation ... are justifiable."

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Valencia Talane is a senior journalist and editor with Corruption Watch in Johannesburg. Talane has followed the hearings of the state capture commission since their commencement in August 2018 with a view to documenting evidence shared therein.

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