



EXHIBIT SS 10

**TIRO
HOLELE**



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

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IN THE COMMISSION OF ENQUIRY INTO STATE CAPTURE:

AFFIDAVIT

I, the undersigned,

TIRO HOLELE

do hereby make oath and state as follows: -

Introduction

1. I am an adult an adult male who has been employed by Passenger Rail Agency of South Africa ("PRASA") since June 2007.
2. Since taking up my employment in June 2007, I have held various positions, which include: General Manager in the Office of the Group Chief Executive Officer ("GCEO") under Mr Tshepo Lucky Montana ("Mr Montana"), General Manager: Corporate Affairs, Group Chief Strategy Officer, Executive Manager: Third Party Projects at Intesite, a subsidiary of PRASA, Group Executive in the Office of the GCEO and my current position of Chief Executive Officer of Autopax, which is also a PRASA subsidiary company.
3. The averments made herein are within my personal knowledge and belief, unless stated otherwise or the context makes the contrary apparent, and they are to the best of my knowledge and belief both true and correct.

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4. I make this affidavit at the request of the Investigators and Legal Team of the Commission of Inquiry into State Capture.
5. I am aware that two other PRASA employees, Ms Onica Martha Ngoye (Group Executive: Legal, Risk and Compliance) and Mr Mfanimpela Moses Dingiswayo (General Manager: Group Legal Services) have both deposed to affidavits in which they deal with a number of PRASA related matters.
6. I herewith confirm the correctness of both Ms Ngoye's and Mr Dingiswayo's affidavits in respect of matters which relate to me and on which we worked together. In particular, I further confirm the correctness of averments made by both Ms Ngoye and Mr Dingiswayo regarding the conduct of the GCEO, Mr Montana, especially the ruthless and often unlawful manner with which he dealt with employees who disagreed with him, or those who attempted to ensure that PRASA matters were concluded lawfully and correctly through due process.
7. In addition, I wish to record that I too, on a number of occasions experienced episodes of verbal abuse and threats of being summarily removed and demoted directly by Mr Montana, when I disagreed with him, or attempted to highlight concerns regarding his conduct. This demotion related to the following:
 - 7.1 During May 2013, Mr Montana accused me of leaking information to the Public Protector and working against the interests of PRASA. At that stage, the Public Protector was conducting an official investigation into the affairs of PRASA and we were all required to provide information to her Office.
 - 7.2 On the basis of his allegations that I had "leaked" information to the Public Protector, Mr Montana demoted me and moved me to Intesite, without following any recognised process, or affording me any opportunity to object to the

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process, nor allow me to make any representations in response to his allegations.

- 7.3 I wish to add that the above demotion and my removal from PRASA was the culmination of a long series of attacks I had endured from Mr Montana, as a result of me challenging a number of his decisions and actions, where I believed them to be improper.
8. In reference to paragraph 14.21 of Mr Dingiswayo's affidavit, I wish to confirm that a meeting was set up between myself and Ms Shunmugan, relating to a dispute on payments to a service provider, known as Prodigy. However, to the best of my recollection the meeting was held during or about February / March 2017. I invited Mr Jacob Rakgoathe, the General Manager for Group Compliance to the join meeting. To our surprise, when we got into the boardroom of the meeting, Ms Shunmugan was not present, but we instead found Mr Roy Moodley waiting for us.
9. Mr Moodley informed us that Prodigy was owed significant amounts of money by PRASA and he demanded that we make the payment in full. I found it highly irregular that none of the Prodigy directors or office bearers were present at the meeting, but Mr Moodley insisted that he was acting on behalf of Prodigy and that he was at the meeting to collect outstanding monies on Prodigy's behalf.
10. The meeting was very tense, but both Mr Rakgoathe and I tried to explain that we could not accede to Mr Moodley's demands, as the matter was an issue of dispute that was being heard before the courts. Mr Moodley told us that he was part of the top 15 decision makers in the country and made reference to media reports of an impending Cabinet re-shuffle. He then threatened us that "big changes" were coming and that we needed to ensure that we were on the right side of these changes.

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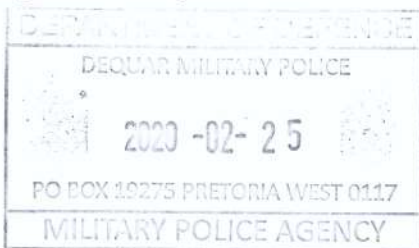
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- 11. I understood Mr Moodley's threat to mean that if we did not ensure that PRASA made the outstanding payments to Prodigy, there would be adverse consequences for us when the Cabinet re-shuffle occurred. Both Mr Rakgoathe and I, however, remained resolute that we could not approve any payments to Prodigy whilst the matter was before the courts.
- 12. Indeed, later in March 2017 the then President, Mr Jacob Zuma, announced a Cabinet reshuffle and Minister Dipuo Peters was replaced by Minister Joe Maswanganyi as the Minister of Transport.


Deponent

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's

knowledge both true and correct. This affidavit was signed and sworn to before me in ^{Pretoria} Johannesburg the ^{February} 25 day of TH February 2020, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1989, having been complied with.




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AFFIDAVIT

I, the undersigned,

TIRO HOLELE

do hereby make oath and state that:

- 1) I am an adult male employed as the General Manager: Strategy by the Passenger Rail Agency of South Africa ("PRASA"). I started my employment at PRASA on the 1st of June 2007.
- 2) The facts contained herein fall within my personal knowledge, unless the context indicates otherwise, and are to the best of my knowledge and belief both true and correct.

Purpose

- 3) On Friday, 16 April 2021, Mr. Lucky Montana while giving evidence at the Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State ("the Commission"), stated that I was

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in a bid committee that recommended the appointment of Swifambo Rail Leasing to supply locomotives to PRASA. I am aware that Mr. Montana filed an affidavit to the Commission and I was not given a Rule 3.3 notice in relation to this affidavit. I therefore assume that the first time that Mr. Montana thought it meet to state this was at the Commission when he was giving oral evidence.

- 4) Because I regarded this allegation as very serious, I wrote to the Commission requesting that I file an affidavit in response to Mr. Lucky Montana's testimony when he appeared at the Commission in April 2021. Mr. Montana repeated this allegation and made other allegations against me in the course of his testimony at the Commission, I herein respond to some of these allegations. I do not believe that it is necessary to respond to all the allegations that were made by Mr. Montana as I believe that most of the allegations that were made were not within the mandate of the Commission, I respond to some of them to show that Mr. Montana is not a credible witness and to vindicate my character as I believe that Mr. Montana sought to make use of the public platform of the Commission to tarnish my character. I will make myself available at short notice to give evidence of the contents of this affidavit.

- 5) I deal with these allegations in turn:
- a) Mr Montana claiming seniority over me

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- i) One of the false statements Mr. Montana made during his testimony was that 'I am a young Man', he took under his wing as some kind of mentor when I arrived at PRASA and I only described him as this 'monster' when he disciplined me. Nothing could be further from the truth.
- ii) Mr Montana and I are peers. He was born in April 1970 and I in August 1971. He is certainly not my mentor and could never be.
- iii) I joined the Government just when President Mbeki had taken the reigns as President in 1999 and I was appointed as a Deputy Director in the Department of Social Development, which was led by the late Minister Zola Skweyiya. After seeing the quality of documents that I wrote, Minister Skweyiya sought me out and took an interest in ensuring a good career and professional development for me. Whenever he could open professional development doors for me, he did. He is the person who taught me what a true professional is, how the State machinery functions and had a keen interest in professionalising the public service. He had been the Minister of Public Service & Administration and had written the rules and ethos of the new people-centred public service.
- iv) I also had the privilege of working closely with and learning from the following senior Directors-General: Ms Angela Bester (currently a senior management consultant), Mr Vusi Madonsela (currently Ambassador to the Netherlands), Mr. Thami Mseleku (currently High Commissioner to Nigeria), the late Ms.

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Thembi Nwedamutsu (past CEO of the IDT and MEC of Education in Limpopo). These are some of the Directors-General who taught me professionalism, honesty and a good work ethic. I am grateful to them for their lessons that have stood me in good stead amongst my peers.

- v) Over and above my BA in Social Sciences degree which I obtained from the University of Cape Town, I hold an Masters in Business Administration from Aston University in the United Kingdom where I had been on the prestigious Chevening Scholarship funded by the British Council. I was such a model employee in the Department of Social Development that when I was awarded the Chevening Scholarship in 2001, Minister Skweyiya refused to accept my resignation and put me on fully paid study leave with the proviso that I return and serve the Department for three years. An excellent deal which I accepted. Upon my return I was promoted to the level of Director in the Department of Social Development.
- vi) By the time I joined PRASA I had spent years working with and learning from some of the best leaders in the public service and had an opportunity to study in the United Kingdom where the skills that I had learned were honed and tested at a world stage. When I left national government (the Department of Health) to join the then SARCC (as PRASA was then called), I had been Chief Director in the Office of the Director-General. The point I make is this: I came to PRASA highly skilled, highly trained, highly qualified and experienced in the affairs of



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government and business administration. I was no junior to be mentored by Mr. Montana, I was, at least his peer. That he is a loud and colourful character does not make him my senior. In fact, in my working with him in his office and as the Chief Strategy Officer, I worked as Mr. Montana's peer and he accepted my input as such.

b) Mr. Montana claiming to have disciplined me

- i) Mr. Montana claims that our relationship soured when he disciplined me. It is a lie that Mr. Montana disciplined me. Our relationship did become strained, however, as he had nothing to discipline me for, Mr. Montana took steps that were intended to humiliate me, probably hoping that I would resign. I am fortunate not to have been one of the people that Mr. Montana disciplined and/or dismissed for no reason as he was wont to do when he was at PRASA.
- ii) If asked, Mr. Montana will not be able to share with the Commission what charges he preferred against me, when the charges were preferred and what the outcome of the "discipline" was. This is because, the story of disciplining me is, in my respectful view, simply a desperate attempt to explain why I gave the evidence that I gave at the Commission against Himself and Mr. Roy Moodley. If I am correct that in the affidavit that he filed he did not mention me (this is based on the fact that I did not receive a Rule 3.3 notice from Commission), I submit that amongst the many lies that I heard him testify to at the Commission



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and stating that they were contained in his affidavit, this is a new lie that he concocted in the course of his testimony.

- iii) When I worked with Mr. Montana, I observed over time that he had less and less regard for institutional integrity, for PRASA's policies and for the law. The bizarre thing is that he demanded of me to be the face of this maladministration and irregularities as a show of loyalty to him. I started also noticing the blurring of lines between Mr. Montana, as a person, and PRASA as a separate entity. This was shown in Mr. Montana accusing those who did not follow his unlawful instructions as acting against PRASA. Having spent years being steeped in the importance of institutional integrity and how institutional integrity is the only sustainable way that can ensure that public entities carry out their mandates, I was at the coalface of the destruction of this integrity and I was against it.
- iv) I pause to state that I was one of the first officials in Government to be trained on the PFMA in 2000 by the National Treasury at Treasury at its Church Square Head Office. By the time I joined PRASA I was very good at understanding the laws governing the public sector and the management of public resources in particular.
- v) At this time, I observed Mr. Montana becoming more and more narcissistic and paranoid. Any simple disagreement in approach or style earned his wrath. EXCO meetings became one nightmare after the other, with him giving long haranguing lectures fueled by the political conspiracy world that he appeared to

A handwritten signature in black ink, appearing to be 'THA' followed by a stylized flourish.

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be swirling in, the business was descending more and more into the realm of untested political conspiracies and away from looking at PRASA as a business in need of rational business management, setting in motion the rampant instability that began by moving executives around for no discernible rational basis which graduated in a constant purge of executives which continues till this day.

- vi) My refusal to be the face of maladministration and irregularity strained our relationship. What I believe to be the strike that broke the camel's back was in February 2013 when according to him I, as then Chairperson of the Corporate Tender and Procurement Committee ("the CTPC") (a bid adjudication committee), 'allowed the bidding process' for the Black Economic Empowerment component for the New Rolling Stock Programme, to produce as winners a 'consortium (called "Khiphunyawo") that was not known in the rail industry'. He accused me as Chairperson of the CTPC and Head of Strategy of having 'failed' the business. This happened at the Finance and Capital Investment ("FCIP") Committee of the Board, that was then chaired by Ms. Bridgette Gasa. All this was not true. The bidding process had been excellently conducted and remains one of the best bidding processes of a mega project undertaken in the country. My sin was that I had not interfered and disrupted as Chairperson a process that was excellently undertaken. The Board approved of the bid as having been properly run and Khiphunyawo was appointed by the Board.



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vii) The rolling stock procurement process was a massive R59 Billion procurement programme. In my respectful view, it was an excellent and model process because it was protected by the intervention of the then Minister of Finance, Mr. Pravin Gordhan. Minister Gordhan protected the process by giving the following instructions to PRASA:

(1) That the procurement process will be a Multi Government procurement process run by PRASA, National Treasury, National Department of Transport, Department of Public Enterprises and the Department of Trade and Industry.

(2) That an auditing firm (Probit Officer) would be appointed to, in real time, audit each step of the bidding process before the process moves to the next stage. I have noticed that, in his evidence before the Commission, Mr. Montana states that this was a decision of the Board of PRASA. This is not true, this was a directive that was issued by the then Minister of Finance and was applicable to the R172 billion modernisation grant from government to PRASA.

viii) In my respectful view the Swifambo procurement is instructive to show that, had it not been for these directives of the Minister of Finance, the Rolling Stock procurement may have descended into the royal mess that was the Swifambo

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processes. In relation to Swifambo, the directive was clearly not applicable, the procurement process was left to the devices of PRASA leading to patently unreliable and/or irregular documents being created to give the veneer of a procurement process being followed. Mr. Montana is using these patently unreliable documents to accuse me of being part of a corrupt tender of Swifambo.

- ix) My sticking to the well undertaken process of the BEE procurement of the Rolling Stock Fleet Renewal, and allowing it to proceed properly with its recommendation which reached the FCIP in February 2013, is what earned me the ire of Mr. Montana. Thereafter it was one baseless accusation levelled against me after the other, including that I and two colleagues had 'leaked' information to the former Public Protector, Ms Thuli Madonsela. In order to humiliate me, Mr. Montana transferred me to work at Intersite after me having endured a torrid period of four months. This, he did, without any consultation with me and/or Ms. Martha Ngoye who, at that time, was the CEO of Intersite. Instructions were simply given and we obliged. I did not challenge this decision as I was tired of the strange and baseless accusations, the paranoia, the demands to flout procedure and be the face thereof (which I refused) and long hours of work that did not do much to improve PRASA and the service to commuters.
- x) At Intersite, I was relieved to be in a professional environment where I was also learning new things that related to property management and the carrying out



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of the secondary mandate of PRASA. Being at Intersite gave me space to recover from the abuse and toxicity that I was experiencing under Mr. Montana. I had a better working environment and my salary was not changed; there is no construction by which it can be said that this was discipline. I was relieved.

- c) That I was one of the people who recommended the appointment of Swifambo as a supplier of locomotives to the Board of PRASA
- i) I have no recollection of having sat or chaired a meeting that recommended the appointment of Swifambo to the Board of PRASA. If I was part of this meeting, I would remember it sheerly from the size of the transaction and the noise that was generated by this transaction even before the discovery that it was corrupt. At a value of R3,5 billion, this procurement would easily be in the top 2 procurements of that year.
- ii) On 1 December 2014, PRASA unveiled the Swifambo locomotives in an event that caused Mr. Montana to interrupt his two months leave and was attended by the then Minister of Transport, Ms. Dipuo Peters, the Board and executives of PRASA. This event was extensively covered by the media. Had I been part of a decision that culminated in this launch, I would have remembered it at that time. I did not.



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- iii) As stated above and as can be shown by the machinations in the Swifambo, patently fabricated documents have been produced by PRASA officials to manufacture evidence of a procurement process and place some of us in the list of people who participated in this procurement process.
- iv) One would expect that documents and evidence of these processes would be closely guarded, as a bare minimum, this would include, recordings of meetings of the bid committees, duly signed attendance registers and duly signed minutes of the bid committees. From what I have seen being bandied about as evidence of my involvement, I have not seen the bare minimum that I refer to. In my view, the absence of any reliable information does not mean that the basis for the review of this contract is incorrect. On the contrary, it is the evidence of the fraudulent and corrupt conduct that is associated with this transaction. I say this because these documents were found by the investigators in PRASA's repository of documents that seek to show this procurement process. The investigators did not manufacture these documents, they found these documents at PRASA. That Mr. Montana testifies about these documents shows that he knows them and will have seen them before the investigators found them. Had Mr. Montana not known these documents, he would have said so.
- v) Having looked at a document that purports to be the recommendation from the the CTPC (called "the BAC" in the document), I doubt that anyone would place any reliance on this kind of a document. The following are the reasons that I

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believe that the documents used are patently unreliable, at best, or patently fabricated, at worst:

- (1) The documents are not signed;
- (2) The name of Ms. Brenda Malongete is not included in the list of the members of the 'Bid Adjudication Committee'. The investigation found that, at some stage, Ms. Malongete had the bid documents at her home, something that is highly irregular;
- (3) The document uses the name Bid Adjudication Committee whilst the nomenclature then used in PRASA was the CTPC. This points to the possibility of this document being manufactured by someone who did not work for PRASA;
- (4) The so-called BAC recommendation report is produced from a BEC recommendation report, this is shown by the fact that the date reflected at the bottom of some of the pages is 23 June 2012 which, according to the documents is the date of the recommendation by the BEC;
- (5) There is a letter from PRASA advising Mafori that they were successful. This letter is dated 27 July 2012. I doubt that the Board would have approved this transaction 13 working days from the date of the meeting of



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the CTPC. The approval by the Board would be preceded by a recommendation from the CTPC to the FCIP and a recommendation from the FCIP to the Board;

(6) The so-called recommendation report of the BAC does not state whether the budget is available;

(7) The CTPC is a committee that is appointed for the year. The CTPC that I was chairperson adjudicated the New Rolling Stock excellently. There is no reason for this same committee to be part of the Swifambo transaction that has been found to be corrupt to the core.

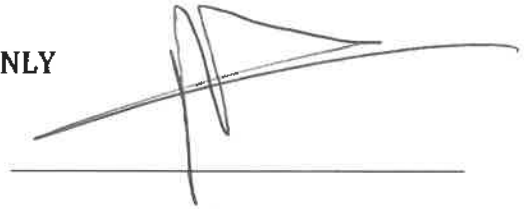


DEPONENT

I certify that the above affidavit was signed and sworn to before me at Paris

this 3rd of APRIL 2021 by the deponent after he declared that he knows and understands the contents of this affidavit, that the deponent has no objection to taking the prescribed oath which the deponent has taken in respect thereof is binding on the deponent's conscience, and that the contents of this affidavit are true and correct.

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