

I, the undersigned,

**LEON VAN TONDER**

hereby state the following:

1. I am an adult male businessman. I am a South African citizen with identification number 7805115076080.
2. The facts contained herein fall within my own personal knowledge, unless the contrary appears from the contents hereof, and to the best of my belief are both true and correct.
3. I have received a summons to appear as a witness at the judicial commission of inquiry into allegations of state capture and fraud.
4. I, Leon van Tonder, am 40 years old, and was previously employed by African Global Operations and related entities (formerly known as Bosasa Group of companies) "The Group", from January 1999 until May 2018. Mr. Gavin Watson was the Chief Executive Officer of African Global.
5. During my employment I fulfilled various roles and responsibilities within the Group. These functions have included:

Head of the IT Department – Bosasa IT department (1999 - 2005)

I managed a small team providing systems, network, end-user and technical support and training. Day to day Datacentre administration e.g. software patch management, LAN/WAN management, server backups etc. In addition, I did software system design and development.

IT Operations Coordinator - SondoloIT (2006 - 2008)

I was responsible for managing and coordinating the IT support functions that SondoloIT provided to its clients. I implemented and managed a national VPN communications infrastructure. I also did software upgrades, testing and



application support of customized software that was developed for SondoloIT clients.

Technical Support Manager – Bosasa IT department (2008 - 2011)

My core responsibilities included: Preventative maintenance ensuring that anti-virus software was up to date, software patch management, troubleshoot basic network problems such as DHCP, DNS, etc. I also assisted IT support technicians in their day to day IT support provided to end-users.

IT Programme Manager – ONIT1 (2011 - 2017)

I project managed the development, testing and implementation of various software systems for the Group and its clients. When I started there they had about 5 custom developed software products in their portfolio of products, during my time this portfolio was increased significantly to over 18 products.

6. In 2005 I was called into a meeting by Gavin and was introduced to Fred Vivier. Gavin told me that from that point forward, I would report to Fred Vivier and that he would be taking over all of my responsibilities as Head of IT. I was therefore effectively demoted. When I confronted Gavin as to why he did this or if he could at least explain to me what I did wrong, he avoided my questions and from thereon we never had a good relationship going forward. I was later informed by Angelo Agrizzi (Group COO) that Gavin had given him instructions to retrench me from the company. Angelo placed me on 2 months suspension. Upon my return I was transferred to SondoloIT.
7. During my period of employment, I was often instructed by Gavin to perform tasks which I was reluctant to perform, but I was scared to refuse Mr. Watson. These instructions placed me under extreme stress and duress. I have seen over the years how Gavin would simply retrench staff or work them out of the company, people who had given their heart and soul to the company, without even blinking an eye, and sometimes without legitimate cause, and in the event, destroy people's careers and families. This personal knowledge made me fearful to not comply with his instructions as he already wanted to remove me from the company in 2005.
8. On numerous occasions I would be asked by the company to attend to computer repair issues for Patrick Gillingham and Mti, whom the company



also supplied with desktop pc's, laptops and printers from time to time if their existing equipment failed.

9. In 2007 there was a server crash and as a result the company lost data. I have no detailed knowledge of the crash as I was working at SondoloIT and Fred Vivier (Whom I did not see eye to eye because he took over my position) was in charge of the IT Department where the server crash happened. Shortly after the crash in 2007 Fred left the company.
10. Early in 2008 I was transferred from SondoloIT back to the IT Department by Angelo. During the end of 2008 I went with Gavin together with some directors and Matthew Lee-Son who at the time was a Software Engineer at Bosasa. It was a consultation meeting at the Bosasa lawyers. The purpose of the meeting was to discuss the imaging of the servers at Bosasa by the Special Investigation Unit. After the meeting we were standing in the basement parking at lawyers offices where Gavin said it's his servers and his data and he can do with it as he pleases.
11. As a result of the discussion we had in the basement parking at the offices of the lawyers, I was instructed in no uncertain terms to make sure that all data (documents, emails, user accounts, backups) on servers and selected employees desktops and laptop PC's must be deleted. I was given key words to search for and told to delete all documents, communications etc. containing those key words. The key words were related to the Department of Correctional Services tenders awarded to Bosasa at the time (approximately 2004 – 2007).
12. I was very reluctant by the instruction, but I had no option but to comply. I was required to sign a statement which was true to the effect that files are deleted in the course of routine maintenance activities. Part of the routine maintenance of the data centre administrative routine is the deletion of non-business related personal user data, data from previous employees, non-associated data and duplicate data. The data was also deleted to free up disk space on the server. A lot of the non-essential data was deleted which was completely unrelated to the SIU investigation but amongst the files that were



deleted as per our instruction from Gavin Watson was the documentation relating to the Bosasa tenders.

13. I was not the only employee who was tasked with the search and delete instruction. Colleagues who assisted me were Matthew Lee-Son, Allan Lee-Son and William Brander. Angelo also sat with us for a brief time searching for related data to delete. I have no knowledge of what the other colleagues identified or found and deleted. I complied with the instruction from Gavin out of fear for my job and career.
14. During my search which was in early December 2008, I came across two specific files which caught my attention because they appeared to relate to tender specifications. If I can recall correctly the one file was the tender document for the DCS catering tender and the other file was a specification document also related to the DCS catering tender. I copied data onto external hard drives, including those two files, prior to deleting them from the server. I also copied those 2 files onto a CD which I kept. I did it because was worried that something might happen to the hard drive where the two files was copied on.
15. My reason for copying the data onto hard drives was because I was not prepared to compromise myself as I felt it was wrong to delete the data, furthermore in the same year during April 2008 I got married and me and my wife wanted to start a family. The reason that the hard drives were kept was because of my own personal knowledge of the way Gavin Watson conducted himself with his employees and because we were made aware that the SIU were investigating the matter, it was decided to keep them as a form of protection for the future as I knew that Gavin Watson will shift the blame on me and others.
16. The hard drives were kept by Matthew Lee-Son. He returned them to me when he resigned around 2011. I safely kept the hard drives at my house and later handed over the hard drives and CD to Angelo who I understand has handed these hard drives over to the State Capture investigators.



17. During the course of 2017 I noticed that slowly but surely I was being isolated by Gavin on IT projects where he would have meetings with the IT team but I would be excluded from those meetings. The access and privileges I used to have to the server farm in the datacenter was taken away without anyone even discussing or notifying me. There was also suddenly a big drive on succession planning headed by Mr Johann Fourie (IT Manager to whom I reported).
18. I realized I was soon going to be made redundant. In the past Angelo used to protect me, but with him not working at the company anymore I felt even more vulnerable.
19. Eventually all the humiliation and victimization that I had to endure over the years got too much for me together with the instructions that I would receive from Gavin Watson in the past in relation to deleting data from the server had become too much for me and I decided to leave the company during November 2017. A separation agreement which effectively was a retrenchment package was negotiated with the company. This agreement was signed in May 2018 after many meetings held between my lawyers and the Bosasa lawyer Mr. Biebuyck
20. My intention via this affidavit is to seek to clear my name. I confirm further that the atmosphere of the Group was developed by a sense of fear created by Gavin that in the event of not complying with his instructions, whether legal or not, he would get rid of you and destroy any further job opportunities for you. He would intimidate by flaunting his business and political connections ensuring that we understood that finding future employment would be made very difficult for those who chose not to comply with his wishes and instructions.



[Signature]  
LEON VAN TONDER

The deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn before me at ERUGENBORL on this the 28 day of **JANUARY 2019**, the regulations contained in Government Notice no. R1258 of 21 July 1972, as amended, and Government Notice no. R1648 of 19 August 1997, as amended, having been complied with.

[Signature] 27  
71615826  
MARIO M.S  
COMMISSIONER OF OATHS

Name: MARIO M.S

Address: 118 COMMISSIONER STAGES ERUGENBORL

Capacity: CONSTABLE

