

COMMISSION OF INQUIRY INTO STATE CAPTURE
HELD AT
CITY OF JOHANNESBURG OLD COUNCIL CHAMBER
158 CIVIC BOULEVARD, BRAAMFONTEIN

01 DECEMBER 2020

DAY 316



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TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



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PROCEEDINGS RESUME ON 01 DECEMBER 2020

CHAIRPERSON: Good afternoon Mr Seleka.

ADV SELEKA SC: Afternoon.

CHAIRPERSON: Good afternoon everybody.

ADV SELEKA SC: Afternoon DCJ.

CHAIRPERSON: Are you ready now?

ADV SELEKA SC: We are ready indeed DCJ.

CHAIRPERSON: Yes. Okay alright.

ADV SELEKA SC: Thank you.

10 **CHAIRPERSON:** Okay.

ADV SELEKA SC: The witness for this evening
Chairperson is Mr Abram Masango.

CHAIRPERSON: Yes.

ADV SELEKA SC: And I think he will be ready to take the
oath or affirmation.

CHAIRPERSON: Yes please administer the oath or
affirmation.

REGISTRAR: Please state your full names for the record.

MR MASANGO: Abram Avi [?] Masango.

20 **REGISTRAR:** Do you have any objections to taking the
prescribed oath?

MR MASANGO: No.

REGISTRAR: Do you consider the oath to be binding on
your conscience?

MR MASANGO: Yes.

REGISTRAR: Do you swear that the evidence you will give will be the truth; the whole truth and nothing else but the truth; if so please raise your right hand and say, so help me God.

MR MASANGO: So help me God.

REGISTRAR: Thank you.

CHAIRPERSON: Thank you; you may be seated.

ADV SELEKA SC: Thank you.

CHAIRPERSON: Is he represented?

10 **ADV SELEKA SC:** Yes.

CHAIRPERSON: Legal representatives who need to put themselves on record?

ADV SELEKA SC: Yes Chair he is represented.

CHAIRPERSON: They can do so.

ADV SELEKA SC: Thank you.

CHAIRPERSON: Yes. They can do so from where they are.

20 **ADV OLDWADG:** Mr Chairperson O-l-d-w-a-d-g - Oldwadg is my surname initials KC I am from the Johannesburg Bar and I am instructed in this matter to represent Mr Masango by Nicqui Galaktiou Incorporated and from that firm I have seated to my right Ms K Naidoo.

CHAIRPERSON: Okay thank you. Thank you.

ADV SELEKA SC: Thank you Chairperson.

CHAIRPERSON: Yes thank you. We thank everybody for

making themselves available to come for an evening session to help us to try and do – and hear the evidence of as many witnesses as possible to finish within the time that we have and also all the cooperation from the legal representatives of all parties. Okay Mr Seleka.

ADV SELEKA SC: Thank you Chair.

CHAIRPERSON: Are you ready?

ADV SELEKA SC: I am Chair.

CHAIRPERSON: You might wish to – for the benefit of the
10 public who may be listening or watching you might wish to say a few words in terms of how Mr Masango's evidence connects with the evidence or the evidence relating to Eskom or to what issues it relates.

ADV SELEKA SC: Yes. Thank you Chairperson. Mr Masango is a former employee of Eskom. He has testified also before the Parliamentary Portfolio Committee. There he indicated that he was called to Melrose Arch by Mr Matshela Koko and that this happened on the day prior to the suspension of the executives on the 11 March 2015.

20 So his testimony relates into the theme we have called the Suspensions of the Executives and he will give his version in regard to what transpired on that occasion.

CHAIRPERSON: Okay thank you.

ADV SELEKA SC: Thank you.

CHAIRPERSON: Thank you for making yourself available

Mr Masango to assist the commission. Okay. You may proceed Mr Seleka.

ADV SELEKA SC: Mr Masango – thank you Chair. Just remember to speak to the microphone. Chairperson for this session we will be using Eskom Bundle 14 – 14 Exhibit U25.

CHAIRPERSON: Okay.

ADV SELEKA SC: Mr Masango the same bundle is before you and if you look at Exhibit U25 we are going to refer for
10 the purposes of the page numbering to the page numbers on the top left hand corner – the black numbers. There are red numbers you can ignore the red numbers concentrate on the black ones.

Mr Masango you did work for Eskom?

MR MASANGO: Yes.

ADV SELEKA SC: Can you tell the Chairperson for how long you worked for Eskom?

MR MASANGO: Say it again?

ADV SELEKA SC: Can you tell the Chairperson for how
20 long did you work for Eskom?

MR MASANGO: Chair I worked for Eskom for 22 years. I joined Eskom in 1996 December and then I resigned in 2018 November. I have worked in various divisions – various department mainly in Generation, operation production as well as the projects.

ADV SELEKA SC: Yes. Turn to page 3 in that bundle 14?

There is an affidavit there which runs from that page to page 11. I would like you to confirm that that is your affidavit?

MR MASANGO: Yes Chair it is my affidavit.

ADV SELEKA SC: It is dated 5 November 2020. So when – when did you leave Eskom Mr Masango?

CHAIRPERSON: Do you want to just confirm as a formality that the signature – the first signature on page 11 is his
10 signature?

ADV SELEKA SC: Thank you Chairperson. On page 11 Mr Masango.

MR MASANGO: Yes it is my signature Chair.

CHAIRPERSON: Yes and the contents of the affidavit are to the best of your knowledge and belief true and correct, is that right?

MR MASANGO: That is correct Chair.

CHAIRPERSON: Okay. Mr Seleka would you like me to admit the affidavit as an Exhibit?

20 **ADV SELEKA SC:** Yes. Chairperson that – would that be U25. U25.

CHAIRPERSON: The affidavit of Mr Abram Avi [?] Masango starting at page 3 will be admitted as Exhibit U25.

ADV SELEKA SC: Yes.

CHAIRPERSON: Yes. You may proceed.

ADV SELEKA SC: Thank you Chairperson. I just also point out that there are annexures to the affidavit Chairperson.

CHAIRPERSON: Yes they will fall under the same exhibit number.

ADV SELEKA SC: Mr Masango when did you leave Eskom?

MR MASANGO: I left Eskom November 2018.

10 **ADV SELEKA SC:** November 2018. What are your qualifications?

MR MASANGO: My qualification I have got National Diploma in Mechanical Engineering, National High Diploma in Mechanical Engineering, Masters in Project Management.

ADV SELEKA SC: Masters in Project Management. We see from your affidavit that you state that you were a Project Director for eight years for the Kusile Power Project.

20 **MR MASANGO:** Yes I started in the power station at Hendrina Power Station. From there I moved to Mpumalanga Projects and then in 2007 I moved to Kusile as a Project Director for eight years.

ADV SELEKA SC: For eight years. So you had people report – working under you and reporting to you?

MR MASANGO: Ja I had a lot of team of people working for me and the people that were reporting to me were also managing various contractors. On site we had plus minus eighty main contractors.

ADV SELEKA SC: Yes. So you are based on your evidence quite a learned person but not only that also a leader.

MR MASANGO: Correct Chair.

ADV SELEKA SC: And that is apparent for instance from
10 the paragraphs in your affidavit – paragraph 2.2 which will be ...

CHAIRPERSON: Did you say paragraph 2.2? Mr Seleka.

ADV SELEKA SC: No not 2.2 Chairperson I think it is a different paragraph. Ja paragraph 8 for instance – paragraph 8 on page 4 I beg your pardon Chairperson. Do you see that Mr Masango?

MR MASANGO: Paragraph 8 page 4?

ADV SELEKA SC: Yes.

MR MASANGO: Yes.

20 **ADV SELEKA SC:** That you were a Project Director at Kusile. And Ms – one of the persons who would have reported to you would have been Ms Nhlanhla Kraai.

MR MASANGO: Ja Nhlanhla Kraai Chair was a Finance Manager for Kusile Project and he was reporting to me those that collect from the Finance Department.

CHAIRPERSON: What was your – what was the position you occupied at Eskom at the time of the suspensions namely 11 March 2015?

MR MASANGO: At that time I was still a Project Director at Kusile.

CHAIRPERSON: Okay.

ADV SELEKA SC: Yes. Yes that was going to be my next question. Back in March 2015 the permanent position that you occupied. Now who did you report to in that position
10 Mr Masango?

MR MASANGO: In that position Chair I was reporting to Dan Marokane. Mr Marokane was responsible for all Group Capital Projects. So Kusile was one the mega project that was reporting to Dan Marokane.

ADV SELEKA SC: Now his designation it is – you could assist us there Group Executive what?

MR MASANGO: His designation at the time was Group Executive for Group Capital.

ADV SELEKA SC: Group Capital. Now we have learnt
20 from your evidence at the Parliamentary Portfolio Committee and from your affidavit that a change came about on the 11 March 2015 in regard to your position, in regard to Mr Dan Marokane's position when you were appointed to act. Can you tell the Chairperson how did that come about?

MR MASANGO: Chair on the – on the 10 March 2015 I was still the Project Director at Kusile. Now the project needs as that from time to time we go and present to different committees and if you look at the threshold in the committee's particularly the Procurement, Financial Procurement Committees they range – they range from 10 million up to above 750 million.

Now some of the committees you will find that are established on site. Some are established at head office
10 which is at Midrand.

So on that particular day there was a presentation though on my affidavit Chair I am very clear that I do not remember because there are so many submissions that get presented at different levels. Some I do attend particularly those that go to EXCOBS Exco Business Sub-committee of EXCO and then you have got the Board Tender Committee.

So most of the time all the submission that goes to EXCOB which is a sub-committee of EXCO I am required to attend as well as those that goes to the board.

20 **CHAIRPERSON:** So the committees to which you refer when you talk about presentation those are not board committees they are committees under the executives?

MR MASANGO: Ja they are sub – they are sub-committees.

CHAIRPERSON: But not of the board or do they include

board members?

MR MASANGO: Ja when we talk about the Board Tender Committee it includes the board members.

CHAIRPERSON: Oh.

MR MASANGO: But it is not a complete board.

CHAIRPERSON: Oh okay.

MR MASANGO: Ja.

CHAIRPERSON: It is not – ja so – because you see there will be a full board.

10 **MR MASANGO:** Yes.

CHAIRPERSON: And the board will establish its own committees.

MR MASANGO: Yes.

CHAIRPERSON: And those committees would consist of board members.

MR MASANGO: Correct Chair.

CHAIRPERSON: And that might include the CEO and the CFO.

MR MASANGO: Yes.

20 **CHAIRPERSON:** Who usually would be part of the board but they are executives.

MR MASANGO: Ja you are quite correct Chair.

CHAIRPERSON: But within management there may be other committees.

MR MASANGO: Yes.

CHAIRPERSON: Which have got nothing to do with the board. So that is the distinction I am trying to establish whether the committees you are talking about are committees that are established by the executives or management or whether they are committees that are board committees.

MR MASANGO: Both Chair.

CHAIRPERSON: Both?

MR MASANGO: Ja.

10 **CHAIRPERSON:** Okay.

MR MASANGO: The Board Tender Committee.

CHAIRPERSON: Ja.

MR MASANGO: Is established by the Board.

CHAIRPERSON: The Board ja.

MR MASANGO: Ja.

CHAIRPERSON: Okay.

MR MASANGO: And then the EXCOBS is established by EXCO.

CHAIRPERSON: Okay.

20 **ADV SELEKA SC:** Ja then you go down you have got other committees.

CHAIRPERSON: Yes.

MR MASANGO: Depending on the thresholds.

CHAIRPERSON: Okay no that is fine. Okay. You may continue.

MR MASANGO: Yes. Chair we – I went to Megawatt Park from Mpumalanga Kusile is situated at Emalahleni with them and then I – I went for the presentation. And I must also point out Chair on that week or on that particular day my supervisor who is Dan Marokane was on leave. So Matshela Koko was also reporting to Dan Marokane doing engineering and procurement so he was standing in for Mr Marokane.

So I did my presentation it was during the mid-day.
10 After I completed I was moving out of Megawatt Park on my way back to the project.

CHAIRPERSON: This was on the 10 March 2015.

MR MASANGO: On the 10 March 2015.

CHAIRPERSON: Okay.

MR MASANGO: Ja. As I was driving out of Megawatt Park heading to Kusile Project I receive a call from Matshela Koko. He requested to meet. I did not object to the meeting because Koko at the time was my senior and he was also standing in for my supervisor who was Dan
20 Marokane.

So I asked him where we are going to meet. He said we are going to meet at Melrose Arch. I said I am not familiar with the place. He said I will give you direction.

In the car I was not alone. I was with Sibusiso Ntuli who was – who was the driver. And then...

CHAIRPERSON: Was Sibusiso Ntuli also an Eskom employee or not?

MR MASANGO: Yes he was an Eskom employee however in the nature of the project there are those employees that we do not employ them permanent.

CHAIRPERSON: Hm.

MR MASANGO: So we employ them for a particular duration to assist.

CHAIRPERSON: Okay.

10 **MR MASANGO:** So by the virtue of that he is a contractor but he is working for Eskom.

CHAIRPERSON: Okay, okay. Okay.

MR MASANGO: So – so we drove Chair – we drove to Melrose Arch. I did not know the area and then Koko was – Matshela Koko was giving the direction in terms of which road we must use, where we must off-ramp. We off-ramp to Melrose Arch and then he was giving the direction until we arrive where he was.

20 It was for the first time for me to arrive in that area but as he was explaining where – where we must meet him I could – before we got closer to the building I could see him standing on a balcony. And then he could see the car.

And then we went – my driver dropped me off. I took my phone. I went up to him. Now Chair if you look at Eskom – if you look at its magnitude it is not unusual to

always have unplanned meetings depending on the circumstances and the urgency of it.

Sometimes we do have meetings during the weekend depending on the pressure and all that. So it was not unusual for – at the time for me if I am called to a meeting not to – not to respond to that meeting. Particularly if you are called by your senior.

So I...

CHAIRPERSON: So did you say that you had come from
10 Kusile to Megawatt Park.

MR MASANGO: Yes.

CHAIRPERSON: But as you were leaving Megawatt Park to go back you got this call.

MR MASANGO: Correct Chair.

CHAIRPERSON: And then you – you then turned to – to go to where Mr Koko wanted you to go?

MR MASANGO: Yes Chair.

CHAIRPERSON: Okay alright continue.

ADV SELEKA SC: Ja. Sorry Mr Masango just as you
20 proceed you were explaining just before the Chairperson asked you a question that this would not have been unusual to be called by your senior.

MR MASANGO: Yes.

ADV SELEKA SC: But would it also entail being called to a meeting outside of your offices without knowing what the

purpose of the meeting was?

MR MASANGO: Yes Chair most of the time to get things go quicker we were not always rigid that the meetings must take place at Megawatt Park. We will always look for the convenience for the convenience place. So from that point of view and I must also mention Chair that prior being called to Melrose Arch I did see Koko in the building at Megawatt Park and then we greeted each other. I focussed on my business then on my way out then the call came in.

10 **CHAIRPERSON:** Oh you had seen him at Megawatt Park?

MR MASANGO: Yes he was.

CHAIRPERSON: Oh okay.

MR MASANGO: Prior for me going to the board room where I was going to make the presentation.

CHAIRPERSON: Oh okay. Okay.

MR MASANGO: But he never mentioned any meeting.

CHAIRPERSON: Ja.

MR MASANGO: That there is going to be a meeting.

CHAIRPERSON: Okay alright.

20 **MR MASANGO:** And from time to time Chair because we spend most of our time in projects when we come to head office I would not come to Megawatt Park without going for example to Dan Marokane's office.

CHAIRPERSON: To report.

MR MASANGO: As my supervisor.

CHAIRPERSON: Yes.

MR MASANGO: I will go in and say I am here. This is what I am going to do but this is the situation at the project. So that – that decency we always had it.

CHAIRPERSON: Ja okay.

MR MASANGO: Because we do not have – most of the time we do not have time to interact with them because they are head office we are in the – on site.

CHAIRPERSON: Yes okay. Okay. Yes continue.

10 **ADV SELEKA SC:** Sorry, sorry, sorry Chair. Part of – part of my question was even if you meet at the convenient place would you not know that purpose of the meeting or would you know?

MR MASANGO: Well both sometimes – sometimes you know sometimes you do not. For example let me say if Dan Marokane says Abram I am from Nelspruit going to Joburg where are you? I will say maybe I am on site. He say let us drink tea with the intention that he wants to get update without like specifying what – what is the purpose
20 of the meeting. In other instances there is – let me put it this way they schedule meeting they always have the agenda. But the meetings that are not scheduled you go there then you put your point forward in terms of what you want to discuss.

CHAIRPERSON: I interrupted you while you were

narrating the story that you were going to the venue where Mr Koko had asked you to come. You were in the car with Sibusiso who?

MR MASANGO: Sibusiso Ntuli.

CHAIRPERSON: Ntuli – Sibusiso Ntuli and you – you had seen Mr Koko in a building and...

MR MASANGO: Standing on a balcony.

CHAIRPERSON: On a balcony.

MR MASANGO: Of a building.

10 **CHAIRPERSON:** Yes. Maybe you should continue to tell this – ja.

MR MASANGO: Then I jump off the car Chair. I went straight to him. I was mindful of the time because there were meetings that were scheduled on site. So I wanted to be on site as quick as possible. So I quickly jumped off the car went to...

CHAIRPERSON: And around about what time was it of the day when you arrived where he was?

20 **MR MASANGO:** Chair I do not want to be [00:23:33] in terms of the time but it was – I think it was plus minus midday.

CHAIRPERSON: Oh okay.

MR MASANGO: Plus – before – just around about twelve.

CHAIRPERSON: Oh after twelve?

MR MASANGO: Ja. I do not want to be caught telling the

time.

CHAIRPERSON: Ja okay. And before you proceed was it for – were you coming to this area Melrose Arch for the first time or not really?

MR MASANGO: Chair for me it was for the first time.

CHAIRPERSON: It was for the first time.

MR MASANGO: It was for the first time.

CHAIRPERSON: Since then have you gone back or you have never gone back to Melrose Arch by any chance?

10 **MR MASANGO:** Ja Chair between that and now you know I – I used to then...

CHAIRPERSON: You would do that.

MR MASANGO: Ja.

CHAIRPERSON: Okay alright. Okay and were you – you proceed – got out of the car and what happened?

MR MASANGO: Ja Chair then I went to straight to him with the steps and then he greeted me again. And then – and then he says let us move to an office. But as I was about to enter the office he asked my cell phone. He took
20 my cell phone. So I went into the – into the office without my cell phone. He took my cell phone and his cell phone.

CHAIRPERSON: Ja.

MR MASANGO: He handed them to somebody then we went inside a small office.

CHAIRPERSON: Yes. Now this building that – was there

any name or these offices was there any name that you could see ...

MR MASANGO: Chair I did not observe – I did not observe any name.

CHAIRPERSON: Yes okay. And if you were to go back to the same building do you think you would be able to get to it or you do not think so?

MR MASANGO: Chair I do not think I will be able to get exactly there but I can be able to say.

10 **CHAIRPERSON**: It was what area?

MR MASANGO: It was around this area.

CHAIRPERSON: Oh okay alright.

MR MASANGO: Ja.

CHAIRPERSON: Continue.

MR MASANGO: And Chair you will see as I move on why even when I left I could not like pay a lot of attention.

CHAIRPERSON: Yes.

MR MASANGO: Because now I was –

CHAIRPERSON: Ja okay.

20 **MR MASANGO**: I was digesting what was going on.

CHAIRPERSON: Yes. So you got into the – into the office.

MR MASANGO: Ja we got into the small office. When we got inside we met a gentleman and then Matshela Koko introduced me to the gentleman by the name of Salim

Essa. And then I greeted the gentleman but the gentleman did not say a word at the time. And then Koko led the discussion.

CHAIRPERSON: He did not even greet back?

MR MASANGO: Well he did greet back.

CHAIRPERSON: Oh okay.

MR MASANGO: He did greet back and Koko led the discussion.

CHAIRPERSON: Hm.

10 **MR MASANGO:** In his discussion it was very short. If I recall very well Chair the meeting did not even take more than ten minutes to be safe.

CHAIRPERSON: Yes. Ja.

MR MASANGO: What Koko said to me – Koko used to call me Maki because at some stage we were neighbours.

CHAIRPERSON: Oh he called you Mak.

MR MASANGO: Ja it is like [African language] Maki.

CHAIRPERSON: Ja. Ja it is Zulu, Xhosa for a neighbour.

MR MASANGO: Ja.

20 **CHAIRPERSON:** Okay. Alright.

MR MASANGO: So he says Maki we are going to be suspended. That is what he said.

CHAIRPERSON: He says we are going to be suspended?

MR MASANGO: He says we are going to be suspended.

CHAIRPERSON: Yes.

MR MASANGO: He says there is four executives that are going to be suspended I am one of them then he mentioned them. He said it is Tshediso Matona, Tsholofelo Molefe, Dan Marokane and himself. And then he went further and say after the suspension the other three will not come back. He will come back. He will return – he used the word return.

CHAIRPERSON: He himself would return?

MR MASANGO: He himself he will return.

10 **CHAIRPERSON:** But the other three would not return?

MR MASANGO: Ja.

CHAIRPERSON: Yes.

MR MASANGO: And then it – I was shocked and very confused because in terms of where I am on the site I am a level below where they are. So one would not have all the knowledge or the understanding in terms of what is going on at the head office. So I did ask a question and say, but why – why four executives? And then I went further say, you know what is going to create chaos for Eskom. It
20 cannot be done what is the reason? In other words I did not believe it Chair and that is the reason for my question to say why – why are they going to be suspended? What were the reason? He never gave me the reason. Instead he carried on with the discussion. He then addressed Essa – Salim Essa and say Abram Masango has got the

capability to act as a Group Chief Executive. Now it confused me more because in terms of the Eskom structure you have got Group Chief Executives, the you have got Executives, then you had us. And in terms of my understanding – in terms of the EXCO there were other Executives. Now if you mention that I got more confused to say but what is really going on? And I think I ask again the question. I said no but that cannot be true why four executives will be suspended? And then he addressed

10 Essa and say, Abram is one of the guys that can act. In other words he was telling Essa that I can act but he did not say as a Group Executive for Group Capital he says he can act as Group Chief Executive.

CHAIRPERSON: GCEO?

MR MASANGO: That – yes – the CEO.

CHAIRPERSON: Ja that is Matona's position at the time.

MR MASANGO: That is Matona's position Chair.

CHAIRPERSON: Yes.

MR MASANGO: Yes.

20 **CHAIRPERSON:** Yes.

MR MASANGO: And it has got me more confused.

CHAIRPERSON: Yes.

MR MASANGO: So – so I said look I do not understand what is going on. But in my mind I do not think it will be good because it is just going to create more problems for

me and Chair, you will remember, at that time, Eskom was facing a lot of problems, including load-shedding. Things were not really going very well. And Tshediso Matona was six-months in the position. So things were really, really not going very well.

So with my little understanding of things at the time, but this type of decision will create bigger problems than what we have. And that is my beef in terms of keep on insisting and say but what were the reasons. And the reason never
10 came forth. And then...

CHAIRPERSON: What did Mr Essa say in response to the statement by Mr Cockerel ...[intervenes]

MR MASANGO: He never ...[intervenes]

CHAIRPERSON: ...that you were capable of acting in the position of Group Chief Executive?

MR MASANGO: He never said a word Chair on that.

CHAIRPERSON: H'm.

MR MASANGO: He was – most of the time he was very quiet.

20 **CHAIRPERSON:** Okay.

MR MASANGO: And when Koko finished that, he said: No, no, no. I am okay. It is fine.

CHAIRPERSON: It is Mr Essa saying that?

MR MASANGO: No, no. It is Koko.

CHAIRPERSON: Oh, ja.

MR MASANGO: Who is saying: Okay no, the meeting is okay. He says: Mark, you know? Everything is fine. But as I – as I was standing up to leave, then Essa made a comment to say that - for the lack of better words Chair, he says:

Abram, you guys. You are messing up with the projects. You must...

For the lack of better words, he says:

You must deal with these contractors.

10 If, Chair, you remember very well. At the time, there were a lot of media articles on Eskom in terms of the claims. Some of the contractors were claiming an amount that is more than the project budget.

So he says:

No, you guys, you are messing up on the project. You must deal with these contractors so that you fix those claims.

And I must say Chair. One of the things that I did not do. I did not, at the time, establish in terms of where Salim
20 Essa fits in the picture.

So in my mind I thought maybe he is one of the officials that is working for the government, our shareholder. In this case, which is the DPE.

So that was the comment that Essa made. I never responded on the comment and Koko never responded as

well.

Then I went out. Then they gave me my cell phone. Then I went down the stairs. He accompanied me a bit to a point where he – I met him when I was coming in. Then he went back. Then I went to the car.

ADV SELEKA SC: Is that Mr Koko now?

MR MASANGO: That is Mr Koko.

ADV SELEKA SC: H'm.

CHAIRPERSON: Before the meeting started, did he not
10 have some conversation with you before ...[intervenes]

MR MASANGO: No, Chair.

CHAIRPERSON: H'm.

MR MASANGO: There was no conversation.

CHAIRPERSON: And after the two left the meeting as he was walking you out, was there some discussion that the two of you had before he turned back?

MR MASANGO: No, there was no discussion except he said: No, we will talk.

CHAIRPERSON: Oh.

20 **MR MASANGO:** As I said bye-bye, he said: No, Maki we will talk.

CHAIRPERSON: Okay.

MR MASANGO: Then off... off... I...

CHAIRPERSON: Okay.

MR MASANGO: Off one...

CHAIRPERSON: Yes. And while you were at the meeting, was Sibusiso Ntuli in the car?

MR MASANGO: Sibusiso was in the car.

CHAIRPERSON: In the car. So he would have seen him and he would have seen him meet you and then meet Mr Koko to go in ...[intervenes]

MR MASANGO: Ja, I am quite sure that Chair... I never asked Sibusiso but I am quite sure that Sibusiso did manage to see him.

10 **CHAIRPERSON:** Yes, yes.

MR MASANGO: At the ...[intervenes]

CHAIRPERSON: On the... But when Mr Koko walked you back after the meeting, would Mr Ntuli have seen him as well?

MR MASANGO: Ja, if I remember very well Chair. Once you park closer to the building, it is difficult to see up.

CHAIRPERSON: Oh.

MR MASANGO: If you approach the building ...[intervenes]

CHAIRPERSON: Ja.

20 **MR MASANGO:** ...you can see.

CHAIRPERSON: Yes.

MR MASANGO: Ja, but once you get closer ...[intervenes]

CHAIRPERSON: Yes.

MR MASANGO: ...then it becomes like really difficult to see.

CHAIRPERSON: Oh.

MR MASANGO: But all I am saying is that, probably when we were – when we were approaching, following the direction, Sibusiso would have seen him because I could see him while I was in the car.

CHAIRPERSON: Okay alright.

MR MASANGO: Yes.

ADV SELEKA SC: Yes, thank you Chair.

CHAIRPERSON: Mr Seleka.

10 **ADV SELEKA SC:** Mr Masango, but when you go back to the car, did you gather from, in your talking from Mr Ntuli, whether he would have been aware that the person he saw was Mr Koko?

MR MASANGO: No, I never engaged that, except that when we – when I was called to Melrose Arch, I did mention to Sibusiso to say: Hey, my acting boss is calling me at Melrose Arch.

ADV SELEKA SC: Does he know Mr Koko?

MR MASANGO: Yes.

20 **ADV SELEKA SC:** He knows him.

MR MASANGO: Ja, he knows Mr Koko.

ADV SELEKA SC: Just quickly back to Mr Salim Essa. I see in your affidavit that he used rather a strong word.

MR MASANGO: Ja, when he uses a very strong word Chair when he was saying that we must deal with the contractors.

ADV SELEKA SC: So he used the F word?

MR MASANGO: He used the – he said:

You guys, you must F the contractors. And basically, fire them if they do not perform.

And I must say Chair that given what was going on, other than the language that he used, at the time, the projects were in trouble.

Actually, after the arrival of Dan Marokane, who was starting to get the grip and the grasp of the contract or
10 managing the projects, getting the momentum. But at the beginning, it was difficult to get them going.

So the positive out of that was is that, he was aware what is happening because some of the commercial claims that were put by the contractors were in the public space.

Everyone was observant and will greet and understand that they handle(?) things. It seems as if they are not going very well in these big projects.

ADV SELEKA SC: H'm. Yes, the... Well, these contractors he is referring to. Is it companies contracting with Eskom?

20 **MR MASANGO:** That is correct, Chair.

ADV SELEKA SC: And did you understand him to say, you should manage their contracts properly or that you should get rid of them?

MR MASANGO: Well, in my view, both. Because the contracts that we have – that we had between Eskom and

the contractors, from Eskom's side were managed by us. So in essence, he was saying that the contractors that are not – we must manage the contractors and the contractors that are not performing, we must get rid of them. That is how I understand the conversation.

ADV SELEKA SC: I see. Yes. So you go back into the car. What did you tell your driver?

MR MASANGO: Well, I instructed Sibusiso, my driver, to say: Let us drive slow. Let us drive back to Mpumalanga. I
10 never told Sibusiso what happened.

ADV SELEKA SC: In the meeting?

MR MASANGO: In the meeting. Because Sibusiso, you know, if you look at the – at the gradings, Sibusiso, the driver are at lower, lower, lower grade. And so he would not, probably, understand because his role is to do the driving.

ADV SELEKA SC: Okay.

MR MASANGO: But Chair what I did when I got into the car, I told Sibusiso that: Let us drive back to the project. Then I called Dan Marokane. Then Marokane did not
20 answer.

ADV SELEKA SC: Yes. Let me ask you this, just before that. At the time you hand your phone over to Mr Koko, is your phone on or off?

MR MASANGO: The phone was on.

ADV SELEKA SC: It was on?

MR MASANGO: Ja.

ADV SELEKA SC: H'm. So it remained on until you
...[intervenes]

MR MASANGO: Yes, I ...[intervenes]

ADV SELEKA SC: [Indistinct]

[Parties intervening each other – speakers unclear]

MR MASANGO: Yes.

ADV SELEKA SC: Okay.

MR MASANGO: So I called Dan Marokane. I knew that Dan
10 was on leave. And Chair, Dan did not answer my call.

ADV SELEKA SC: H'm.

MR MASANGO: I tried him. He did not answer my call.
And when I looked at my phone, I saw the miss-call of
Ms Nhlanhla Kraai. Because the reason I was supposed to
go to Kusile was of the scheduled meetings that I had.

Now the second person that I called, then it was
Nhlanhla Kraai. Ms Nhlanhla Kraai, my finance manager. I
briefly told her that: Look, I – you could not get hold of me.
I was in this meeting but this meeting shocked me.

20 And because I have already missed the meetings that I
was supposed to have at Kusile with Ms Nhlanhla Kraai to
prepare for the next meeting.

The way we used to do things. When we are going to
have a meeting that has got to do with the finance, I will
upfront have a meeting with the finance manager to take me

through the numbers so that when we go to the meeting, when I address the team, I know what I am talking about.

So the following day, which was the 11th, we were supposed to have a meeting with the entire project team. So I was going to talk about the presentation that Ms Nhlanhla Kraai has prepared to me to address the team.

And the presentation was around the multi-price determination because the team contribute in terms of these numbers when we submit them to head office.

10 So we were going to discuss around the presentation before we submit it, so that each and every department in the project confirm their numbers and say these are the numbers. They can be submitted to head office.

So prior to that, I will have a meeting with the finance manager, sometimes with her and the team, so that at least I understand them better.

So I did indicate to Ms Nhlanhla Kraai that I am from this meeting but this was a funny meeting that already – it shocked me.

20 And eventually, myself and Ms Nhlanhla Kraai, we met. I did articulate what I came across. And I must say Chair, at the time I was a bit scared as well because I could not understand what is going on.

So I related this story to Ms Nhlanhla Kraai. I also asked her not to mention it because... But I said: Do not

mention it until I meet Dan Marokane. Dan should be able to give me his understanding of things because now, I still do not believe what I heard and I do not think it will happen.

And then we met, myself and Nhlanhla. We discussed that. And then I, eventually – I am summarising Chair – eventually, I went to ...[intervenes]

CHAIRPERSON: Just before that. Do not summarise too much because in case your version is disputed, you know, by somebody. So it is important that we know at least the
10 important parts. Can I take you back to when you left the meeting at Melrose Arch? What were your thoughts about what you had been told?

MR MASANGO: Can you repeat that question Chair?

CHAIRPERSON: What were your thoughts after you – when you came out of this meeting and reflecting on what you had just been told? Are you able to remember, as you are trying to make sense of it, maybe, because you said you did not believe that it was going to happen.

MR MASANGO: Chair, what was going through my mind at
20 the time was the disbelief.

CHAIRPERSON: H'm.

MR MASANGO: To say but suspending four executives on critical positions, it does not make sense at all.

CHAIRPERSON: H'm.

MR MASANGO: And given the working relationship with

Mr Dan Marokane. He was keeping us posted as his subordinates, all the time. So in my mind I thought that if it is not coming from Dan, I must not trust it or believe it.

And that is the reason my first call was to him to want to go and meet him and try and understand where is he, so that he make sense of what I have heard. Unfortunately, he could not answer my call.

CHAIRPERSON: In the meeting, Mr Koko had – did - had he said when the suspensions would occur?

10 **MR MASANGO**: Yes, he did indicate Chair.

CHAIRPERSON: Ja.

MR MASANGO: He said tomorrow.

CHAIRPERSON: Which would have – which would be the 11th?

MR MASANGO: Ja, he said tomorrow.

CHAIRPERSON: Yes.

MR MASANGO: H'm.

CHAIRPERSON: Okay. When you left the meeting, had he said that you were going to act in a particular position after
20 the suspension have had happened or he had not said that. He simply had said to Mr Salim Essa: You have the capability to act as Group Chief Executive.

MR MASANGO: That is what he said Chair.

CHAIRPERSON: Yes.

MR MASANGO: Nothing else.

CHAIRPERSON: And was that the only position in respect of which he spoke about you acting?

MR MASANGO: Ja, he just mentioned that.

CHAIRPERSON: Ja, he did not mention any other ...[intervenes]

MR MASANGO: Ja, he just mentioned that as he was leading the conversation.

CHAIRPERSON: Yes. Okay alright.

MR MASANGO: The only observation Chair that I observed.

10 He was very nervous.

CHAIRPERSON: Himself?

MR MASANGO: Himself.

CHAIRPERSON: Oh.

MR MASANGO: Then I could not really understand because... Well, I knew him but he was like very nervous and very worried.

CHAIRPERSON: In terms of his demeanour?

MR MASANGO: Ja, in terms of his demeanour. And that is what confused me more.

20 **CHAIRPERSON**: H'm.

MR MASANGO: To say, but what is really going on?

CHAIRPERSON: Yes. Ja, well that observation is interesting because I think another witness who said he had – I think it is a she ...[intervenes]

ADV SELEKA SC: Yes.

CHAIRPERSON: ...had a meeting with Mr Koko and Mr Salim Essa on the same day who says she was told the same thing. Said that although Mr Koko told – I do not know whether it was Mr Koko or Mr Salim Essa who spoke most of the time in that meeting – but although they told her that four executives would be suspended, she said Mr Koko did not seem to be concerned or worried about the fact that he would be suspended.

But of course, what you have told me is that, although
10 he said to you that he was going to be one of those to be suspended.

He said that in the end he would return to work but the other three executives would not return to work. Yes, that is what you said.

MR MASANGO: Yes.

CHAIRPERSON: That is right.

ADV SELEKA SC: Ja.

MR MASANGO: It is.

CHAIRPERSON: Okay. And then, if you go back to what
20 you have told Ms Kraai. It is important that you tell us the main features or the points that you told her in the telephone conversation and then at the meeting that you subsequently had with her.

MR MASANGO: Ja.

CHAIRPERSON: Start with the telephone conversation,

okay.

MR MASANGO: Chair, on the telephone I never explained a lot to Ms Kraai.

CHAIRPERSON: Yes.

MR MASANGO: Ja, I did mention that I am from another meeting but the meeting was a very strange meeting. We will talk when we meet.

CHAIRPERSON: Okay.

MR MASANGO: But when I met her, I did explain to her to
10 say this is what happened.

CHAIRPERSON: H'm. When you met her, was it the same day or the following day?

MR MASANGO: Chair, I do not remember very well but if I recall very well, is that I met Ms Kraai on the same day.

CHAIRPERSON: Okay.

MR MASANGO: But I stand to be corrected Chair.

CHAIRPERSON: Okay.

MR MASANGO: But if it was not on the same day, probably it was the following day.

20 **CHAIRPERSON**: The day after?

MR MASANGO: Ja.

CHAIRPERSON: Okay. And where did you meet, the two of you?

MR MASANGO: Chair, if I recall very well. I met Ms Nhlanhla on my way to ...[intervenes]

CHAIRPERSON: Kusile?

MR MASANGO: ...to Kusile.

CHAIRPERSON: Yes.

MR MASANGO: Because, on that day, that was my last meeting when I met Nhlanhla. Then I drove then from there, I drove home.

CHAIRPERSON: Yes.

MR MASANGO: Because my ...[indistinct] was already messed up.

10 **CHAIRPERSON**: Yes. But did you meet at work? Did you meet ...[intervenes]

MR MASANGO: No, I did not meet Nhlanhla Kraai at work. I met him(sic) on my way. And there is something that says in my mind Chair. I think I met him(sic) on my way, going to Mpumalanga.

CHAIRPERSON: Yes.

MR MASANGO: Because I slept in Mpumalanga.

CHAIRPERSON: Yes.

MR MASANGO: And Nhlanhla was staying at Midrand.

20 **CHAIRPERSON**: Yes.

MR MASANGO: Ja.

CHAIRPERSON: When you say you met her on your way. You mean, like, you stopped your cars on the road and had a chat?

MR MASANGO: We did.

CHAIRPERSON: Or did you meet in a restaurant or ...[intervenes]

MR MASANGO: Chair, I do not remember very well.

CHAIRPERSON: Ja.

MR MASANGO: But he(sic) was driving from that side towards Joburg. I was driving towards Mpumalanga.

CHAIRPERSON: Okay.

MR MASANGO: So if I recall very well, we met there.

CHAIRPERSON: Oh, on the road?

10 **MR MASANGO:** But Chair, again, I do not want to be tied to that.

CHAIRPERSON: Ja.

MR MASANGO: That is what I am trying to remember.

CHAIRPERSON: Yes, yes, yes.

MR MASANGO: So Nhlanhla might have another version but between the day and the morning, we did meet.

CHAIRPERSON: Ja. Yes. But you cannot remember where?

MR MASANGO: Ja.

20 **CHAIRPERSON:** Whether it was ...[intervenes]

MR MASANGO: And I do not remember the time as well Chair.

CHAIRPERSON: Yes, okay alright.

MR MASANGO: Ja.

CHAIRPERSON: And tell me about your conversation when

you met her.

MR MASANGO: Well, when I met Nhlanhla, there were two things that we discussed. One, we discussed what we were supposed to discuss at Kusile in terms of the presentation that we are going to submit to head office. And then, I explained the story to him(sic) what happened when I left Megawatt Park. And I explained to him(sic) ...[intervenes]

CHAIRPERSON: Is it a him or a her?

MR MASANGO: A her.

10 **CHAIRPERSON**: Oh, it is a her.

MR MASANGO: It is a she.

CHAIRPERSON: Ja, okay.

MR MASANGO: H'm.

CHAIRPERSON: Ja.

MR MASANGO: I explained to her what happened to me and we went there and I explained what was the conversation and, and. And there was another reason Chair that I explained to her what happened because I was confused and not understanding. So I said: You know what.

20 In case something happens, at least I would have confided to someone.

CHAIRPERSON: So you told her about your meeting at ...[intervenes]

MR MASANGO: I told her about my meeting.

CHAIRPERSON: And basically what you had been told

there?

MR MASANGO: Yes, exactly what I have explained.

CHAIRPERSON: H'm.

MR MASANGO: And she was also shocked.

CHAIRPERSON: She was shocked?

MR MASANGO: She was shocked when I explained that.

CHAIRPERSON: Yes. Mr Seleka.

ADV SELEKA SC: Mr Masango, by that time, did you know the name of the man Mr Koko introduced you to?

10 **MR MASANGO**: Well, that is the other thing Chair. I battle to capture it because things were happening so fast when... When I met Ms Kraai, I could not give Ms Kraai the full names of Salim Essa.

But of course, as days go on, I started to want to understand who was that man and start to understand who is the guy that we really met. What is his name and what is his role in the whole sphere of things.

But at the time when I met Nhlanhla Kraai, I could not even capture the exact full name. But Essa, I remembered
20 Essa but the Salim, I could not remember. So I could not capture the full name as I left that building.

ADV SELEKA SC: Ja.

MR MASANGO: And Chair, the other reason was that, the way the meeting was structured and the way that it ran, it was more of informing than ...[intervenes]

CHAIRPERSON: Discussion?

MR MASANGO: Than a discussion.

CHAIRPERSON: Yes.

MR MASANGO: Because we kept to the meeting. Then he led the discussion until the end.

CHAIRPERSON: That is now at Melrose Arch?

MR MASANGO: Ja.

ADV SELEKA SC: H'm.

CHAIRPERSON: Yes, okay.

10 **ADV SELEKA SC**: So did your confiding in Ms Kraai also involved the exact information given to you by Mr Koko that four executives will be suspended and these are the names but I will return, as Mr Koko?

MR MASANGO: Say it again?

ADV SELEKA SC: Did you outline or set out to Ms Kraai exactly what Mr Koko had told you, which is four executives will be suspended but I, Mr Koko, will return?

MR MASANGO: Yes, I related exactly that Chair. And I also related to Ms Kraai that I could not get the reason why
20 they are going to be suspended.

CHAIRPERSON: H'm.

ADV SELEKA SC: Just a way of information before we carry on in regard to your evidence. Chair, the evidence of a witness who has already testified here, Ms Suzanne Daniels, relating a similar story.

It says”

“When she entered the offices, she could not see a plaque on the outside of the office.”

I have seen in your written submission to the Parliamentary Portfolio Committee that you say that there was no name plaque at the entrance of the office.

MR MASANGO: Ja. Chair, I do not remember seeing any.

ADV SELEKA SC: She carried on to say:

10 “We were greeted by a receptionist and Koko instructed me to hand my mobile to the receptionist and we proceeded to enter a mini-boardroom and waited for someone to join.

And then the person joins. That person was Mr Salim Essa, who introduced himself as the advisor to Minister Brown.”

He was not introduced to you as the advisor to Minister Brown?

MR MASANGO: Chair, he was never introduced to me as an advisor. Koko introduced him with a name.

20 **ADV SELEKA SC**: I see. Then the last thing is ...[intervenes]

MR MASANGO: Chair, what I did not mention, which I think is very important. As we – as I was going to the office, there was a security guy. He was standing there.

And when we entered the office, there were two ladies

that were busy but I could not pay a lot of attention because I was following him.

So that is what I could recall that there was a security guy and then there were two ladies that were busy there but I never paid attention to them because I was walking behind him, following him.

ADV SELEKA SC: H'm. I think the point the Chairperson wanted earlier to – he referred to was that on this occasion, according to Ms Daniels, the person who did the talking was
10 actually Mr Salim Essa.

And when it came to the suspensions, she looked at Mr Koko in shock. However, Mr Koko appeared composed, according to her. You are saying, to you he appeared nervous and very worried.

MR MASANGO: Yes, Chair. That was my observation.

ADV SELEKA SC: H'm.

MR MASANGO: And like I said, he led the discussion.

ADV SELEKA SC: Yes.

MR MASANGO: Me knowing him, I concluded that, you
20 know, he is not himself. He was very, very nervous. And as he was saying that to me, that they will be suspended and when he was saying that he will return, he was basically looking at Salim Essa.

ADV SELEKA SC: H'm.

MR MASANGO: So. And that is my – that is – that was my

observation Chair.

ADV SELEKA SC: Yes. Thank you. How long have you known him by this time? This is March 2015. Ja, Mr Koko. And maybe you can explain how it came about the two of you called each other neighbours or Maki.

MR MASANGO: Ja, Chair I knew Koko, I think, very well around 2000 and he was my neighbour. He was, at the time, working at Duvha Power Station as a Boiler Engineering Manager. And I started to get closer to him when I moved
10 from Production to Boiler Maintenance. So Koko was more of a boiler specialist.

CHAIRPERSON: Ja, okay.

MR MASANGO: So. And I must say Chair, at the time the problems that we experienced in the boilers, Duvha was amongst those power stations that were doing very well. So then I contacted Koko. That is where I got closer to him and invited him and his team to come and assist the engineering guys at Hendrina Power Station. Then I started to know him like that. And then at some stage, of course, he moved from
20 there to Gauteng.

CHAIRPERSON: Ja.

ADV SELEKA SC: So as neighbours, are you living – do you live in the same neighbourhood or are you living next door to each other?

MR MASANGO: No, no, no. We were living in the same

neighbourhood.

ADV SELEKA SC: Oh, in the same neighbourhood?

MR MASANGO: Ja.

ADV SELEKA SC: Ja. Now take us – you have gone back. Now you have crossed paths with Ms Kraai. She is coming to Midrand. You are going to – you are going back to Mpumalanga. You have just been given this news in the meeting, you say it is a funny meeting.

10 What happens that night? Is there anything relative to this meeting that happened that night or that you are aware of?

MR MASANGO: Chair, nothing relevant to the meeting that happened during that night. And being tired, I slept.

CHAIRPERSON: H'm. Mr Marokane did not come back or returned your call?

MR MASANGO: Ja, Mr Marokane did not come back on the same day.

CHAIRPERSON: Yes, okay.

MR MASANGO: He did not return ...[intervenes]

20 **CHAIRPERSON:** When did he come back?

MR MASANGO: I think the following day Chair if I remember very well.

CHAIRPERSON: Yes, okay.

MR MASANGO: Ja. When I woke up Chair in the morning, I saw a lot of miss-calls on my cell phone. And as I was

listening to the voice messages, then I – know it is the following day, the 11th.

CHAIRPERSON: The 11th?

MR MASANGO: Ja.

CHAIRPERSON: Of March, ja.

MR MASANGO: Ja. And then there was a voice meeting to say that: *A-má-li-sê-lá* [phonetically], please, you must come and meet the chairman at eight o'clock that night. The Chairman was Mr Zola Tsotsi. And, Chair, this one I do not
10 remember very well but Koko called before I met Mr Zola Tsotsi. Now what I do not remember well, Chair, is that when I called prior to the following day or the following day in the morning but his call to me was very short, he said to me Maki, you are talking.

CHAIRPERSON: Maki, you are...?

MR MASANGO: You are talking.

CHAIRPERSON: That was Mr Koko?

MR MASANGO: Ja, saying to me.

CHAIRPERSON: Yes, around about what time was it when
20 he called if you are able to remember?

MR MASANGO: Chairperson, I said I do not remember very well but the next relevant conversation around – just after Mrs Kraai.

CHAIRPERSON: Yes.

MR MASANGO: Which is relevant. He called, he says,

Maki, you are talking. Actually used a Zulu word he says *Maki uyakhuluma*.

CHAIRPERSON: Which means Maki you are talking.

MR MASANGO: Yes. So ...[intervenes]

CHAIRPERSON: And what did you understand this to mean or did he explain to you what he meant?

MR MASANGO: I said what do you mean I am talking? He says *uyakhuluma*. He left it there. But now he also left it there, Chair ...[intervenes]

10 **CHAIRPERSON:** Did you understand then or after what he meant?

MR MASANGO: I understood later.

CHAIRPERSON: Later?

MR MASANGO: Ja. And I will talk about it.

CHAIRPERSON: Yes, okay. What was your understanding?

MR MASANGO: At the time I could not be ...[intervenes]

CHAIRPERSON: Did not understand at the time?

MR MASANGO: At the time I could not understand.

20 **CHAIRPERSON:** Okay, but later you did understand.

MR MASANGO: I did understand.

CHAIRPERSON: Ja, tell me what you understood later even though you will get to that point at some stage. What was your understanding of what he meant when he said Maki, you are talking.

MR MASANGO: Ja, after I met Mr Marokane he called me.

CHAIRPERSON: Yes, again.

MR MASANGO: Ja, he says *uyakhuluma*.

CHAIRPERSON: Again.

MR MASANGO: And you had a meeting with Mr Marokane. Then I started to connect.

CHAIRPERSON: Yes.

MR MASANGO: To say it seems as if I am tracked now,
10 where is my ...[intervenes]

CHAIRPERSON: Ja.

MR MASANGO: Where is my – ja.

CHAIRPERSON: Ja.

MR MASANGO: So that was my understanding to say oh, I am on the spotlight in terms of maybe my movement but I could not like determine how.

CHAIRPERSON: Yes.

MR MASANGO: But I concluded myself to say you know what, my movement...

20 **CHAIRPERSON:** I have been monitored.

MR MASANGO: Ja or I am being listened to.

CHAIRPERSON: Ja.

MR MASANGO: That is how when I say understood later that is what I meant.

CHAIRPERSON: Yes. Okay, alright. Okay, you were

going to – Mr Seleka, continue?

ADV SELEKA SC: Yes, thank you, Chairperson. So, Mr Masango, at the time when he says *uyakhuluma* did you simply – what is your response? Let me not put [indistinct] 3.09 to you. What is your response because you do not understand what is he talking about so how do you respond to him?

MR MASANGO: Well, I said no. I said no when after talking to Mrs Kraai when he phones, he says you are
10 *uyakhuluma*.

ADV SELEKA SC: Yes.

MR MASANGO: I say what do you mean, he says you are *uyakhuluma*. Then he left me there.

ADV SELEKA SC: Well, you know, Ms Daniels also talks about after received her cell phone she made telephone calls and she was called and Mr Koko also told her that she is talking. So that reminds what you are saying now reminds of her evidence as well. Anyway, so that is the next day. You say you have received missed calls, but
20 there is a voice message left on your cell phone.

MR MASANGO: Yes.

ADV SELEKA SC: The voice says:

“This is Malesela, you are being asked to meet with the Chairperson in the morning of the 11th.”

MR MASANGO: Ja, at eight o'clock.

ADV SELEKA SC: So the Chairperson is Mr Tsotsi, he is in Jo'burg so you are supposed to come from ...[intervenes]

MR MASANGO: Then I must drive from Mpumalanga back to head office.

ADV SELEKA SC: Is that what you did?

MR MASANGO: Ja. There was a meeting scheduled 7 o'clock between my colleagues and Mr Dan Marokane, Chair, the following day. Though Dan was on leave we never questioned that because when he was on leave we
10 will always ask somebody to chair the meeting and all that because we were reporting to him. But that meeting, I was going to have a teleconference with the head office guys and then at the head office because we were minimising the travelling. So when I got that message that the Chairman wants to see me at eight o'clock then I decided to drive. Instead of attending that meeting via telecom I went straight to that meeting at seven o'clock.

The meeting was dealing with the claims in different projects. I attended the meeting. Peter Sebola chaired
20 the meeting. Peter Sebola was the executive responsible the contract management department, all the specialists from contract management point of view were coming from that department, seconded to us.

The meeting was scheduled to finish at eight o'clock, it did finish and then when it finished before eight

then I walked to the Chairman's office. When I arrived at the Chairman's office it was around shortly before eight but when I got to the office of the Chairman I found Nonkuleleko Veleti - I found Nonkuleleko Veleti Dlamini. Then Nonkuleleko was the finance manager responsible for all the projects. Mrs Nhlanhla Kraai was reporting to Ms Veleti, Nonkuleleko Veleti Dlamini but seconded to the project.

So while I am greeting Nonkuleleko Mr Eddie
10 Mabelane arrives. When Mr Eddie Mabelane arrives he is carrying a folder. The he greeted us. While he is greeting us, Malesela, who was the secretary of the company, he comes in but he comes from the boardroom. Then he requested us to follow him to the boardroom.

CHAIRPERSON: That is yourself.

MR MASANGO: It is myself.

CHAIRPERSON: It is Ms Veleti.

MR MASANGO: And Eddie Mabelane.

CHAIRPERSON: Okay, alright.

20 **MR MASANGO:** And now again, Chair, I started to think about yesterday to say but what is going on? And between the three of us we never discuss – no one mentioned that hey, I am having a meeting with the Chair at eight o'clock and all that an all that. But the secretary comes out of the boardroom, he called us. All three of us we followed him.

We went into the boardroom. When we went inside the boardroom there were other board members. I do not remember all of them, Chair, but there were few board members with Mr Zola Tsotsi as the Chairman of the company.

He greeted us, we greeted back. Mr Zola Tsotsi never wasted time as well. He then said there are found executives that are going to be suspended. He mentioned them by names and then he mentioned two things as a
10 reason why the executives are going to be suspended. One, he says, is regarding the inquiry that they want to do and when they want to do that inquiry they do not want this executive to be at work.

And then two, he also want to – the inquiry must cover the issue of their performance and then he says he is therefore requesting us to assist them and act in the position of the executives that are going to be suspended. But he asked us – after I mentioned that he asked us one by one and say Eddie Mabelane can you help us act here?
20 Nonkuleleko Veleti, can you act on Tsholofelo Molefe's place? And then he asked me to act on the Group Capital in Dan's position and as he was asking us we all said look, Chair, we will help you.

And then he said in the place of Tshediso Matuna, Mr Zethembe Khoza will act. And then he said there are

two meetings that are arranged. The one, he wants to go and address the executives, the executive forum and then the second one, he must go and address the media.

So by the look of things, Chair, all these things were already lined up because after he has addressed us and asked us to act then he asked us to join him. Then we followed them. We went to Franklin boardroom. Though, Chair, I do not remember very well whether he started addressing the executives first or the media but those two
10 meetings did take place.

CHAIRPERSON: So your meeting Mr Tsotsi you say around about what time was it?

MR MASANGO: It was around about eight, eight o'clock, past eight.

CHAIRPERSON: Okay. And you all agreed to act in the positions in which ...[intervenes]

MR MASANGO: We all agreed that we will act.

CHAIRPERSON: Yes.

MR MASANGO: The only person that he did not ask, it
20 was Mr Zethembe. Now one made an assumption because they had a meeting already before they called us in. Probably is already discussing with the board members.

CHAIRPERSON: But did you say Mr Zethembe Khoza was at that meeting as well?

MR MASANGO: Mr Zethembe was in the meeting, Chair.

CHAIRPERSON: Oh, okay. So at the meeting it was yourself, Ms Veleti, Mr Malebane?

MR MASANGO: Mabelane.

CHAIRPERSON: Mabelane, I am sorry.

MR MASANGO: Edwin Mabelane.

CHAIRPERSON: Edwin Mabelane, Mr Khoza and Mr Tsotsi.

MR MASANGO: And Mr – and I think Venete Klein was also in the meeting.

10 **CHAIRPERSON:** Yes, okay.

MR MASANGO: But – ja, I do not remember very well but Mr Khoza was in a meeting, Mr - Klein Venete was also in the meeting.

CHAIRPERSON: Okay, Mr Seleka?

ADV SELEKA SC: Thank you, Chair. Mr Masango, yes, y our recollection seems to come very close to what Ms Veleti has said in her affidavit. So she says the next morning she had a meeting with Mr Koko on the 10th, the evening of the 10th. So the next morning, which is the 11th,
20 according to her, after being called to the boardroom, in the boardroom, she says, is Mr Zola Tsotsi, Mr Zethembe Khoza and Ms Venete Klein were present.

She also thinks Leo Dlamini was present and another divisional executive. She cannot recall which one. Could that be Mr Edwin Mabelane?

MR MASANGO: Well, Mr Eddie Mabelane was there, like I said, but from the board's side, other than the three of us who went in there were few people and without us, probably there would be plus minus four, five, around there, but I do not remember the others, without the three of us who were called in.

CHAIRPERSON: Ja, okay.

ADV SELEKA SC: Ja. No, that is fine. There is just one thing I need to get clarity on from you. According to the
10 sequence of events as given by the board members, who have come to testify, the meeting with the persons, yourselves, who were to be appointed to act, would have happened on the 12 March, according to you, the narration by them, because on the 11th the board had various meetings including the meeting with the Minister where the decision to suspend the executives was taken. Are you hundred percent certain about your dates?

MR MASANGO: Chair, I am hundred percent certain about the dates. When we were asked to act, the normal
20 procedure is that when somebody is going to act you call him and you give him the delegation of authority to sign so that you give him powers to execute whatever decisions might be required.

We were never given the delegation of authority on the 11th, though I do not remember when we were given to

sign. But on the meeting of the 11th we were just asked whether can we help and then things started to unfold.

CHAIRPERSON: Do you know whether you had another meeting with Mr Tsotsi on the 12th?

MR MASANGO: I do not remember, Chair. I do not recall.

CHAIRPERSON: You see, the interesting thing about the time that you say your meeting with Mr Tsotsi happened on the 11th, is that if it happened at about eight it would be – it would have been before the board or any of its
10 committees had made the decision that the four executives should be suspended.

The evidence that we have heard is that there was the meeting of the board on the 9 March but at that board meeting there was no discussion of the suspensions of the executives and arrangements were made for the board to meet again on the 11th and on the 11th there was a meeting of the board in the morning. I do not know if we ever explored the time but it was a meeting of the board in the morning. Then that meeting was joined by the Minister of
20 Public Enterprise so the meeting became a meeting of the board and the Minister of Enterprises. When she had left I think the meeting of board continued, if I am not mistaken, but at some stage in the afternoon, there was a meeting of the People in Governance Committee, if I recall correctly and that it is in that meeting that the ...[intervenes]

ADV SELEKA SC: P & G.

CHAIRPERSON: Possible ...[intervenes]

ADV SELEKA SC: The P & G meeting.

CHAIRPERSON: P & G meeting. Ja, is it not People in Governance?

ADV SELEKA SC: That is the one, Chair.

MR MASANGO: That is the one, Chair.

CHAIRPERSON: Ja. At that meeting, it is that meeting that that committee discussed the issue of which
10 executives should be appointed to act in the positions and that meeting was happening I think after lunch, if I am not mistaken.

ADV SELEKA SC: Yes.

CHAIRPERSON: Yes, so if the meeting between yourselves, the three of you and Mr Tsotsi and Mr Khoza happened on the 12th in the morning maybe it was because the decision to suspend had been approved or had been made and the decision as to which executives will act in the positions of the executives who would have been
20 suspended had been taken but if the meeting between the three of you and Mr Tsotsi happened at about 8 a.m. on the 11th and at that meeting he asked the three of you to act one would wonder whether he – how he could do that before the board had discussed the issue unless, of course, he had your names in mind as the names of the

people that he would suggest to the board or to the committee and wanted you to indicate whether in principle if the board approved your names you would be prepared to act or not. But from what you say it looks like – does it look like he was saying I am asking you to act or does it look like he was asking you to indicate whether in principle if you were to be asked to act you would be prepared to act. Do you know which one of the two he was pursuing?

MR MASANGO: Chair, I think – okay, let me go back a
10 bit, Chair. The date of the 10th and the date of the 11th, I am certain about those dates in my recollection.

CHAIRPERSON: Yes, ja.

MR MASANGO: And like I explained, Chair, to you that when you are going to ask somebody to act you call him, you agree with him first whether he can do it or not. But also I must bring it to your attention, Chair, that the ways things unfolded before we were called in, it seems as if the board was having a meeting because they locked themselves in the boardroom. We did not even know that
20 they are sitting in the boardroom because we went into the office of the Chairman, that is where were waiting and then all of a sudden Malesela came from the boardroom and called us to the boardroom and then when we went in, we find that there were people in the boardroom.

CHAIRPERSON: Okay. Mr Seleka?

ADV SELEKA SC: Thank you. Chair, there is something I need to draw to the Chairperson's attention, Mr Masango, which you yourself might not be aware of and we are obtaining an affidavit from this witness, Chairperson, who writes and email on the 11 March 2015 at 9.27 or 29.

CHAIRPERSON: In the morning?

ADV SELEKA SC: In the morning.

CHAIRPERSON: Ja.

ADV SELEKA SC: She is the HR manager at Eskom. She
10 writes and say to one of the persons within industrial relations, I think, Mr Philip Mashego, she says:

“Please urgently give me a step-by-step process for the suspension of the F-Bands.”

Now you know who are the F-Bands, Mr Masango?

MR MASANGO: Ja, I know the F-Bands.

ADV SELEKA SC: Were the four suspended executives at the time.

MR MASANGO: Ja, they all fell within that category.

ADV SELEKA SC: In that category.

20 **MR MASANGO:** Ja.

CHAIRPERSON: What is the category called?

MR MASANGO: It is called F-Band.

CHAIRPERSON: Oh, in terms of the structure.

ADV SELEKA SC: Yes.

CHAIRPERSON: Ja.

ADV SELEKA SC: So the email says:

“Please provide me urgently with a step-by-step process to suspend the F-Bands.”

But here is something, Mr Masango, we picked up from the minutes of the meeting, slightly related to it. The minutes of the 19 March 2015, there is a recording there or a caption that the people who were asked to act, if I read it:

10 “The people who were acting in place of the suspended executives were allegedly called into a meeting and knew beforehand that they would be acting and that the board was concerned about this, wanting to know how this happened. They were apparently called into a meeting and the Acting CE met with them.”

This is before you would be told that – you would be told formally that you were going to be appointed, I suppose. Does this ring a bell? Does it remind you of any meeting?

MR MASANGO: Chair, that does not ring a bell to me.

CHAIRPERSON: Yes, yes.

20 **MR MASANGO:** There are only two meetings that I recall, is the Melrose Arch on the 10th.

CHAIRPERSON: Ja.

MR MASANGO: And there is Zola Tsotsi meeting at eight o'clock on the 11th, the following day.

CHAIRPERSON: Of course there are – there in your

evidence there are certain areas where you have said you cannot remember clearly.

MR MASANGO: Yes.

CHAIRPERSON: But you say that the fact that your meeting with Mr Koko and Mr Essa, that it was on the 10th and at Melrose Arch, that you are hundred percent about.

MR MASANGO: Yes, Chair, and the meeting on the 11th.

CHAIRPERSON: And that you had a meeting with Mr Tsotsi and Mr Khoza on the morning of the 11 March.

10 **MR MASANGO:** Yes.

CHAIRPERSON: Around about eight o'clock together with Ms Veleti and Mr Mabelane. You say you are hundred percent sure about the date and the time, that it was around eight o'clock.

MR MASANGO: That is correct, Chair.

CHAIRPERSON: And what was said there you are clear about that.

MR MASANGO: I am clear, Chair, about that.

20 **CHAIRPERSON:** Just to clarify to me. Mr Tsotsi, was he checking with you that in principle you would be prepared to act if maybe he was still going to get the approval of the board or some committee or did he just say will you be prepared to act and you said you would be prepared and the whole thing ended there without knowing whether that was subject to anybody's approval or whether he was

asking you to act?

MR MASANGO: Chair, he was asking us to help them by acting on the positions of those that are going to be suspended.

CHAIRPERSON: Yes. Okay, alright.

ADV SELEKA SC: Thank you, Chair.

CHAIRPERSON: Mr Seleka, the other – Ms Veleti, her evidence, was it also to the effect that that meeting was on the 11th or was it that it was on another day?

10 **ADV SELEKA SC:** Her evidence is the same, Chair.

CHAIRPERSON: She said it was on the 11th?

ADV SELEKA SC: On the – she is saying so, she relates what happens on the 10th.

CHAIRPERSON: Ja.

ADV SELEKA SC: So there is a strategy session for two days.

CHAIRPERSON: Ja.

20 **ADV SELEKA SC:** On the 9th and on the 10th. The call she receives from Mr Koko is on the 10th, the last day of the strategy session. She meets with Mr Koko at – she cannot remember, KFC or McDonalds, on the evening of that 10th. Then she says the next day she was called into that meeting. The next morning.

CHAIRPERSON: Yes.

ADV SELEKA SC: Yes.

CHAIRPERSON: Okay. Okay, alright. We have not had the evidence of Mr Mabelane, have we?

ADV SELEKA SC: Not Mr Mabelane.

CHAIRPERSON: Yes, okay.

ADV SELEKA SC: And not Mr Malesela Phukubje, which is the company secretary, Chair.

CHAIRPERSON: Yes and do you have any other affidavit – would you have an affidavit from Mr Khoza? Does he talk about it as to when this meeting may have been or
10 does he not?

ADV SELEKA SC: We do have an affidavit from Mr Khoza.

CHAIRPERSON: But you cannot remember what ...[intervenes]

ADV SELEKA SC: I cannot recall offhand whether he talks about him attending this meeting where the acting executives were asked to act.

CHAIRPERSON: Okay. No, that is alright.

ADV SELEKA SC: But I know that he denies the meeting
20 alluded to in the minutes.

CHAIRPERSON: Yes.

ADV SELEKA SC: He denies having had the meeting.

CHAIRPERSON: Oh, okay, okay. And Mr Tsotsi? Does he admit having met the three on the 11th around eight o'clock?

ADV SELEKA SC: His version is on the 12th. Is that the meeting was on the 12th.

CHAIRPERSON: Yes.

ADV SELEKA SC: According to his version.

CHAIRPERSON: Okay, alright. Okay.

ADV SELEKA SC: Ja.

CHAIRPERSON: Let us continue. We did not talk about what time we are going to finish with Mr Masango.

ADV SELEKA SC: Ja.

10 **CHAIRPERSON:** But I hope we can finish by six o'clock depending – but you must tell me if there is a problem.

ADV SELEKA SC: No, no problem at all, Chair.

CHAIRPERSON: Ja. Okay, alright.

ADV SELEKA SC: We could finish even before then.

CHAIRPERSON: Ja, okay.

ADV SELEKA SC: We are right at the end of your affidavit.

CHAIRPERSON: Yes.

20 **ADV SELEKA SC:** Mr Masango, when you are in this meeting with the Chairperson, Mr Tsotsi and other board members do you say to them sorry, Mr Chair, I had this meeting yesterday, is this meeting now having anything to do with what I had yesterday at Melrose Arch?

MR MASANGO: Chair, we did not have a lot of conversation with the Chairman at the time. He asked us

and then subsequent to that he says we must join him to the next meeting.

Now what was going on in my mind, it was what happened yesterday, to say but, hang on, what is going on? But remember, Chair, what happened yesterday in the meeting which confused me was that the Group Chief Executive Officer was mentioning the meeting, here we are on a situation.

After Mr Zola Tsotsi has led a discussion he said
10 okay, no, that is fine, join me to the next meeting. Then we all walked out.

Now it is very tense, Chair, I must say, it was very tense in the meeting and then we all walked out, follow him.

CHAIRPERSON: At this meeting in what position did he say you would – he wanted you to act?

MR MASANGO: He said I will act on Dan Marokane's position which a Group Executive for Group Capital.

CHAIRPERSON: Okay, alright. Mr Seleka?

20 **ADV SELEKA SC:** Did you have a chance at any stage between those who acted - let us say, for instance, between you and Ms Veleti, had a chance to talk about what experience you had at Melrose Arch?

MR MASANGO: Well, we never – we never spoke. What I remember was that when we went to the executive forum

there was a whole debate. The executives, Eskom executives, they questioned the Chairman, that is Mr Zola Tsotsi, about why the guys are suspended and they also questioned him what criteria have you used to select the people who are going to act, so it was a very hot topic, and we were seated there, so that is when she responded to all the questions. Chair to come direct to your question, myself and Ms Veledi we did talk, but our conversation was around what is happening in the organisation, because I
10 remember very well at the time we never even you know, we did not except Ms Veledi because her office was at Megawatt Park.

We went into Ms Veledi's office, it was myself and her and then we were talking amongst ourselves what is really happening. Ms Veledi neither myself I never spoke about Melrose Arch but I did indicate to him to say you know what yesterday Koko did talk to me.

That was the discussion that was happening and all that, but we never went into the details in terms of where,
20 what did he say and all that because the whole building at Eskom was very, very tense. In actual fact since then the whole week nothing was really happening there because people were, very you know like disturbed by the decisions that were made.

ADV SELEKA SC: Did you, at any stage thereafter meet

with Mr Salim Essa?

MR MASANGO: Well Chair I do not recall but what I can recall is that at some stage Mr Koko did ask to meet but I never attended those meetings with Mr Koko.

ADV SELEKA SC: So when was that after his return from suspension?

MR MASANGO: Ja, we talk on the phone, he asked the meeting but I never went, but I never know whether he asked the colleagues as well.

10 **ADV SELEKA SC:** So what is he asking you, is he asking you come let us meet to...[intervene]

MR MASANGO: No, no he was saying can we drink tea, coffee after work but then I never went.

CHAIRPERSON: And what day was that?

MR MASANGO: Chair I cannot, I cannot...[intervene]

CHAIRPERSON: Was it long after?

MR MASANGO: It was long after the...

CHAIRPERSON: The 11th?

MR MASANGO: The guys are suspended yes and ja.

20 **CHAIRPERSON:** Okay, just to take you back, the meeting where the executives were questioning Mr Tsotsi. Is that the meeting that Mr Tsotsi asked you to join him in after the meeting where he told you and he asked you to act.

MR MASANGO: Yes, Chair.

CHAIRPERSON: Okay so from the meeting that he had

with you, he went to a meeting where he was meeting the executives?

MR MASANGO: Yes.

CHAIRPERSON: But those executives did not - who attended did not include the ones who were to be suspended or were they...[intervene]

MR MASANGO: All the guys that were to be suspended were not part of the meeting.

CHAIRPERSON: Oh okay alright.

10 **ADV SELEKA SC:** Thank you.

MR MASANGO: Chair there were two meetings after the boardroom meeting.

CHAIRPERSON: Ja.

MR MASANGO: It was the meeting of the executives and the media. The media was already waiting as well, he went and addressed the media as well.

CHAIRPERSON: Well you see my recollection is that on the evidence that I have heard at least part of the evidence certainly from Mr Koki, not Mr Koki, Mr Tsotsi and maybe
20 Dr Ngubane but certainly Mr Tsotsi is that there was a media briefing at some stage I understood it to be after lunch, I may be mistaken because by then the Board had made certain decisions and he was going to have that meeting, that media briefing to announce the decisions that had been taken, you understand? But on - if he had a

meeting that is Mr Tsotsi with you at around 8 o'clock and that meeting I think you said did not take long, is that right?

MR MASANGO: That is correct Chair.

CHAIRPERSON: Ja, what is your estimate of long it took, fifteen minutes?

MR MASANGO: It was less than fifteen minutes.

CHAIRPERSON: Less than fifteen minutes, yes and if from there then he went to a meeting with the executives.

10 **MR MASANGO:** That correct Chair that is my recollection.

CHAIRPERSON: And from the meeting with the executives was your understanding that he was going to have a media briefing or was he going to have to attend some other, a board meeting or a committee meeting before the media briefing. You are not sure.

MR MASANGO: Chair what I remember is that because I did attend the executive forum with him and I did also join him when he was addressing the media.

20 **CHAIRPERSON:** Oh you also joined him when he was addressing the media.

MR MASANGO: Yes, because normally the executive in Eskom we also get invited, we are allowed to go and sit in.

CHAIRPERSON: Yes.

MR MASANGO: Ja.

CHAIRPERSON: But at that stage – okay I must

understand this before in your normal permanent position
were you an executive before the acting appointment

MR MASANGO: Yes, Chair.

CHAIRPERSON: Oh you were an executive.

MR MASANGO: Yes, Chair.

CHAIRPERSON: Okay so you would have attended such a
media briefing even if the story about acting had not come
up?

MR MASANGO: Yes Chair, we spoke about the F-bend at
10 the EXCO level and got the E-bend.

CHAIRPERSON: Yes.

MR MASANGO: I was also the E-bend. Now when they
call the executive forum most of the time, they call the F-
bend and the E-bend. So I will attend the executive forum
- the way Eskom use to do things they will first have the
executive forum meeting then media before they go and
brief the media they inform the executives and then they
go to the media.

CHAIRPERSON: Yes, so the executive forum meeting, do
20 you remember how long it may have taken?

MR MASANGO: Chair it did not take long.

CHAIRPERSON: An hour?

MR MASANGO: But the topic was around the suspension
and I remember the executives were asking a lot of
questions and from there he proceeded to the media

briefing.

CHAIRPERSON: To the media briefing and you joined him there.

MR MASANGO: Yes, some of us joined him.

CHAIRPERSON: But we know based on evidence that has been given that on the 11th there were these meetings that I have told you about. One there was a Board meeting in the morning which he addressed.

Then the Minister of Public Enterprises arrived to
10 address the Board so then she came and she - Ms Brown
she addressed the Board after she had left I think the
Board then continued and my understanding is that when
the Minister had arrived Mr Tsotsi was the one who went to
fetch her and bring her into the meeting.

I am wondering whether if all of that is true you
might not be mistaken about the date or times of the
meetings that you are talking about one with yourself and
the other two, Ms Veledi and Mr Mabelane and the time of
the executive forum meeting and the time of the media
20 briefing whether you might not be mistaken about the
times.

MR MASANGO: Ja, look Chair I might not be privy to some of the other meetings.

CHAIRPERSON: Yes.

MR MASANGO: The other executives who were working at

Megawatt Park decided there and then all that, me working in the project when I come to the office, the Head Office, I come for a specific reason then I go back.

CHAIRPERSON: Yes.

MR MASANGO: So that is the reason I am saying that in terms of my recollection when we went into the boardroom it seems as if they were there.

CHAIRPERSON: Ja.

MR MASANGO: And by the fact that the secretary came
10 and fetched us it means that there was a meeting inside the boardroom.

CHAIRPERSON: Yes.

MR MASANGO: Whether there was a meeting prior to that I do not know.

CHAIRPERSON: You do not know.

MR MASANGO: But then after we went in then we went to the executive forum then media. Those ones I can confirm because I attended other meetings that were scheduled during the day and the following days in terms of the Board I
20 might – I do not know.

CHAIRPERSON: Okay alright, Mr Seleka.

ADV SELEKA SC: Thank you Chair. Mr Masango that is an important factor to consider because we see that on the 12th of March in the evidence that was led, 12th of March 2015. Well this is a media release by Eskom and the media

release says the Board well it could read anything:

“The board of Eskom has today resolved to commission an independent inquiry.”

So this seems to tie in with the evidence by the Board or those who have been here which shows that it could have been after the 11th of March 2015 that there were this meetings with the executive’s forum, another meeting with or the media conference could have been called on the 12th of March. I do not know whether there is a way for you to
10 ascertain your chronology in regard to the 10th and the 11th.

MR MASANGO: Yes Chair there is no way but I think from Eskom point of view they can be able to ascertain and go back if the minutes were taken in these meetings and all that and their schedule particularly from the secretariat point of view.

ADV SELEKA SC: Okay for how long did you act in this position of Mr Dan Marokane?

MR MASANGO: I acted from March, I think until August.

ADV SELEKA SC: Until August?

20 **MR MASANGO:** Ja, the same year.

ADV SELEKA SC: I heard Mr Koko at the parliamentary portfolio committee say you became permanently appointed in that position.

MR MASANGO: Say it again?

ADV SELEKA SC: Did you become permanently appointed

in that position?

MR MASANGO: Yes, subsequent to that they brought Brian Molefe who came - I do not remember the date and then Brian was acting GCE and then eventually he was appointed as the group chief executive officer and then Brian appointed me I think around August to be permanent on the same position that I was acting.

ADV SELEKA SC: Oh I see; I cannot recall whether did you speak about your meeting with Mr Dan Marokane?

10 **MR MASANGO:** No.

ADV SELEKA SC: You have spoken about it. So you say a few days later you called him, he did not answer your call or it went on voicemail. He came back to you a few days later. Did you have a meeting with him?

MR MASANGO: Yes, Chair.

ADV SELEKA SC: And what does the two of you discuss in that meeting?

CHAIRPERSON: Well maybe start with him returning your call and arranging to meet if that is what happened.

20 **MR MASANGO:** Ja, when he returned my call I told him that I was looking for him to discuss the meeting at Melrose Arch but he had returned my call already other things were already unfolding. Then he agreed that we must meet. Then he gave me time and the day if I recall very well it was a Saturday.

CHAIRPERSON: When you called or when you met?

MR MASANGO: No, no for the meeting.

CHAIRPERSON: Oh okay.

MR MASANGO: Ja.

CHAIRPERSON: Are you able to remember how long more or less after the 11th?

MR MASANGO: Ja, it was the Saturday of the same week?

CHAIRPERSON: Of the same week?

10 **MR MASANGO:** Ja, then we met...[intervene]

CHAIRPERSON: He would have returned your call when on the Friday or the Thursday.

MR MASANGO: He returned my call during the course of the week.

CHAIRPERSON: Oh okay alright.

MR MASANGO: But – and then he said look...[intervene]

20 **ADV SELEKA SC:** Sorry Mr Masango I see in your affidavit you say there you agreed to meet on 14 March 2015. So 11, 12 and it is the 14th so it is three days after the suspension.

MR MASANGO: Ja, it was a Saturday if I recall very well.

ADV SELEKA SC: Okay.

MR MASANGO: Yes, it was a Saturday he gave me the time Saturday 2 o'clock, 14h00.

CHAIRPERSON: Where were you going to meet?

MR MASANGO: And then he told me that we will meet in Pretoria but he will give me the direction on the day of the meeting.

CHAIRPERSON: Okay.

MR MASANGO: Which he did.

CHAIRPERSON: Yes, okay.

ADV SELEKA SC: The 14th was a Saturday.

MR MASANGO: Ja, it was a Saturday.

ADV SELEKA SC: It was a Saturday, yes.

10 **MR MASANGO:** Ja, then we met at a coffee shop it was the first time I was in that coffee shop but it was a very, very quiet place and I could observe only old people sitting there drinking coffee.

CHAIRPERSON: Old people?

MR MASANGO: Ja, so we met there – I must say Chair I had a very good relationship with Mr Marokane as my Supervisor and the I related the story to him to say the reason I was looking for you it was about Mr Matshella Koko calling at Melrose Arch. Now things has overtaken
20 and things and my question to him was that what is happening why are you guys being suspended.

CHAIRPERSON: But did you tell him about the content of the discussion at the Melrose Arch meeting?

MR MASANGO: I explained everything to him.

CHAIRPERSON: Okay alright.

MR MASANGO: I took him through everything that is happening.

CHAIRPERSON: Ja, and what had happened on the 11th.

MR MASANGO: Ja, and I even explained to him what happened the following day in the boardroom.

CHAIRPERSON: Yes, okay.

MR MASANGO: I was like now you know I am updating him because even on the executive forum I updated him what happened, in the media what happened and all that
10 on the media briefing. And then I asked him what is his understanding in terms of why are they suspended. The response Chair that I got from him he said Abram is politics that is what he said to me. I said but what do you mean his politics.

He says it is political I cannot explain it. Then I said to him look if that is the case then it would be difficult for me to go and act in your position. Then I told him I said maybe I must go back and tell Mr Zola Tsotsi that I will not be able to act. Dan said to me no Abram do not do
20 that you know what we have been doing and I will still be in contact with you I will talk to our colleagues to support.

You know the programs that we were pushing you guys just go and push your programs and then we will take it from there. And then he also advised me that from a Mpumalanga point of view the stability in the province Mr

Marokane was responsible for that and I was doing the administration for him around the Mpumalanga Province. He said to me my advice to you is that because we are engaging with the MEC in Mpumalanga and the Premier who is then the Deputy President because these thing all of them are political keep on engaging them as we are engaging them on the political side to help us with the stability and then that I what he said to me two things to say that I must keep on engaging with the Premier and the
10 MEC, two I must act he will talk to the colleagues my colleagues at the same level so that they support me. So that we deliver the program that we put in place with him.

CHAIRPERSON: Okay Mr Seleka.

ADV SELEKA SC: Mr Masango we are doing an investigation in this Commission here and part of that is making the others aware of what is contained in your affidavit. I have given Mr Dan Marokane your affidavit with the view to get his version on your meeting with him and according to him and you can clarify this he said he did not
20 get the details the content of what you discussed with you at Melrose Arch from you. Are you certain that you discussed that with him because on the basis of that he said he would not file an affidavit.

MR MASANGO: Well I did take him through what was the reason for my call when I left Melrose Arch and then I also

briefed him on what happened on the following day, what happened on the executive forum, what happened on the media briefing.

ADV SELEKA SC: So you would have told him that I was called to Melrose Arch by Matshella Koko and this is what he said to me when I was there. That four executives will be suspended and that he is going to return but not the three. You would have said that to him.

MR MASANGO: Yes.

10 **ADV SELEKA SC:** Okay.

MR MASANGO: And lastly Chair on Dan Marokane to go back to your earlier question after I met Dan Marokane, Matshella Koko called and say [speaking in vernacular].

CHAIRPERSON: Was this the third time he was saying that to you?

MR MASANGO: Ja, and I said to him what do you mean and he said ja you have met Dan Marokane.

CHAIRPERSON: Ja.

20 **MR MASANGO:** So I started to realise that the issues are very complex here.

CHAIRPERSON: Yes, so you phoned Mr Dan Marokane after the meeting at Melrose Arch you did not get him and then you phoned Ms Kraai and then he phoned and said you are [speaking in vernacular].

MR MASANGO: Ja, but he phoned me for the third time

after meeting Mr Marokane he said hey...[intervene]

CHAIRPERSON: Ja, but the first time was when after you had spoken to whom?

MR MASANGO: To Ms Kraai.

CHAIRPERSON: Yes.

MR MASANGO: He asked me – he told me twice...[intervene]

CHAIRPERSON: In regard to...[intervene]

MR MASANGO: Yes, to the same conversation he said we
10 are [speaking in vernacular] we are Ministers we are
[speaking in vernacular]

CHAIRPERSON: Oh okay.

MR MASANGO: Ja.

CHAIRPERSON: And that is now after the meeting with Ms Kraai or after you spoke to her on the phone?

MR MASANGO: Chair I cannot remember very well but it was, ja.

CHAIRPERSON: Okay alright no that is fine.

ADV SELEKA SC: Yes, Mr Masango did that for a lack of
20 a better word monitoring of your telephone calls continue after Mr Koko had been suspended?

MR MASANGO: I cannot confirm that because even when he was saying I am talking I could not confirm it.

ADV SELEKA SC: Ja.

MR MASANGO: But I was always wondering what is

happening.

ADV SELEKA SC: Did you suspect that your cell phone might have been bugged?

MR MASANGO: Well I suspected to think whether it is the phone bugged or they following but I had that suspicion but I cannot confirm that.

ADV SELEKA SC: I see that you conclude by your affidavit by saying that since you testified at the parliamentary portfolio committee you have been
10 threatened and your safety compromised.

MR MASANGO: Yes.

ADV SELEKA SC: Do you know by who?

MR MASANGO: Well Chair I do not know by who but from time to time there were people that were following me and sometimes when I sit in the restaurant people will come in and take photos and like take photos. Then I started to be careful and wherever I go I decided not to go alone.

ADV SELEKA SC: Has that situation risen to the level where you needed to report it to the Police?

20 **MR MASANGO:** Well at some stage I did went to the nearest to report an incident but they never opened the case they just wrote I think it is a OP book something. But the reason I went to the Police Station there was a drone in my house.

ADV SELEKA SC: You mean above your house.

MR MASANGO: Above the house, ja a drone above the house then it started worrying me and then I went to the Police Station and I reported it.

ADV SELEKA SC: What is the position currently?

MR MASANGO: Say it again?

ADV SELEKA SC: What is the position currently in your life in terms of threats and safety?

MR MASANGO: Well as we speak I still feel very, very unsafe if I speak about the issue of the drone I think it
10 happened twice. At some stage I called the Provincial Commissioner Mr Zuma I told him that look I have this situation. So till today I am still very observant in terms of what is happening around me.

ADV SELEKA SC: Ja, you left Eskom in November 2018 you said, did you resign or were you asked to leave or was it a disciplinary hearing?

MR MASANGO: Chair I did resign I was suspended in 2017 December, I was cleared on a disciplinary hearing and then a new Board came in and then I extended to work I
20 think around June 2018, I worked until November then I resigned. Prior to my resignation the CE at the time wanted to suspend me and I felt that I am not prepared to go through what I went through but prior to my resignation I had already indicated to the Chairman which was Jabu Mabuse that look I do not think I am welcomed and so I

told him my intention is that at some stage I am going to resign and then myself and him we had a discussion and then he intend to suspend me then I resigned.

CHAIRPERSON: So was it – who was the acting CEO or CO who wanted to suspend you before you resigned?

MR MASANGO: It was Mr Phakamani Hadebe Judge.

CHAIRPERSON: Yes.

MR MASANGO: Ja, he confronted me and then I explained to him to say to him that the issues that you are
10 raising against me are more or less the same issues that I was suspended for and I went through the disciplinary process and then I realised that he is not prepared to listen to me. But the time he approached me I already spoken to the Chairman that look Chairman I think I do not feel welcome and comfortable so at some stage I am going to resign. Whether the Chairman told him or not I do not know.

CHAIRPERSON: How long after he had – that is Mr Hadebe had indicated that he was going to suspend you
20 did you resign was it a matter of days, a matter of weeks or months?

MR MASANGO: Look Chairperson it was a matter of a week or two.

CHAIRPERSON: Okay.

MR MASANGO: Ja.

CHAIRPERSON: And how long was it after you had told the Chairperson of the Board Mr Mabuse that you might resign?

MR MASANGO: Chair it was prior to that when I spoke to...[intervene]

CHAIRPERSON: Ja, months or weeks?

MR MASANGO: It was weeks Chair.

CHAIRPERSON: It was weeks, okay.

MR MASANGO: And Chair I must maybe qualify my
10 statement and the reason I went to the Chairperson was that I confronted Mr Hadebe because there was a rumour I think in a form of a WhatsApp that he is talking to Mr Matshella Koko and then so that made me a bit uncomfortable because my relationship with Matshella Koko was no longer good.

So I confronted him Phakamani Hadebe and then he said ja I will talk to them I will talk to Brian I have worked with Brian but he never commented on Matshella Koko and then I could pick up that his not happy the fact that I
20 confronted him and subsequent to that a rumour Chair because I cannot prove it and I cannot confirm it that when one of the executives was acting on Phakamani place when Phakamani was not there and I was supposed to reinstated Phakamani refused that I get reinstated and he cited the reason no I do not want that guy to come back.

So when I look at all these issues I realised that as much as me and Phakamani from a work point of view he appreciated what I was doing but I realised that look probably he has made up his mind and parallel to that Chair then they started a process of exiting all the executives I am talking to him decide we on a process that his going to retrench all the executives that were there.

CHAIRPERSON: In 2018?

MR MASANGO: Ja in 2018 and then I left on the 17th of
10 November all the other executives were retrenched end of December. So we were already in that process where we going discussing our package he told us that there is a decision that all of us we must exit and I asked him I said on this side this is what you doing with me on this side we talking exit what is really going on. Then I realised that I do not want to go through the same process then I decided to resign and then my colleagues were retrenched around December 2018.

CHAIRPERSON: Okay alright Mr Seleka.

20 **ADV SELEKA SC:** These are the questions we had for the witness.

CHAIRPERSON: Okay alright Counsel for Mr Masango you do not have any, you do not intend any re-examination?

ADV OLDWADGU: Mr Chair there was perhaps a slip of

the tongue by my learned friend for the Commission when there was a suggestion that the call that was made to Dan Marokane was made a number of days after the incident at Melrose Arch but I think it was in your appreciation that that is not what had transpired it may simply be a mistake from my colleague but in fact that call had been made on that very same day not long after the meeting at Melrose Arch. I just wanted to clarify that.

CHAIRPERSON: Yes, I think my understanding was that it
10 was made on the same day my understanding.

ADV OLDWADG: That is the position and I have nothing further thank you Mr Chair.

CHAIRPERSON: Okay alright, thank you very much Mr Masango for coming to assist the Commission we appreciate it very much. If we need you to come back and assist us again on other matters or to clarify something on what you have told me today we will ask you again but thank you very much we appreciate it and thank you to your legal team as well that we were, they were agreeable
20 to us having this evening session. Thank you very much you are now excused.

MR MASANGO: You welcome Chair.

CHAIRPERSON: Thank you, thank you Mr Seleka and your team and the Commission staff for sitting till late. Thank you very much we are going to adjourn for the

evening, and tomorrow Mr Seleka what is the latest?

ADV SELEKA SC: Chair we had arranged to start at 9:30 with a witness we also envisaged would be very, very short but the witness is now represented by a law firm and they have been in correspondence with me this afternoon indicating that they will seek a postponement.

CHAIRPERSON: Okay so was it going to be one witness who was going to be short?

ADV SELEKA SC: Yes, one witness.

10 **CHAIRPERSON:** Is that the witness who would have been in the evening before the postponements that happened yesterday or it was always arranged that he or she will be at 9:30?

ADV SELEKA SC: Yes the Chairperson well...[intervene]

CHAIRPERSON: Or is it the one we talked about?

ADV SELEKA SC: Yes.

CHAIRPERSON: Oh okay.

ADV SELEKA SC: So we originally wanted her for the evening session like Mr Masango but I gave the
20 Chairperson a time indication...[intervene]

CHAIRPERSON: Ja, I remember well would they be available – that is the witness that could take less than an hour.

ADV SELEKA SC: Yes, correct Chair.

CHAIRPERSON: Ja, would they be amenable to Thursday

in the morning or Friday in the morning or next week
sometime in the morning, do you know?

ADV SELEKA SC: Do you mean in so far as the
postponement?

CHAIRPERSON: In so far as they want a postponement.

ADV SELEKA SC: It might, it may have to next week
according my reading of where we are now.

CHAIRPERSON: Ja.

ADV SELEKA SC: But I will have to ascertain I think
10 Chair.

CHAIRPERSON: Ja because I do not want to come in the
morning to hear a postponement application.

ADV SELEKA SC: That is right.

CHAIRPERSON: And also just to sit for less than an hour
and then I go back it would be better if I come and sit start
with her in the morning and then once she finishes I can
continue with another witness.

ADV SELEKA SC: Yes.

CHAIRPERSON: So I think let us postpone that and try
20 agree on another time with them either this week or next
week maybe preferably in the morning ja, is that fine?

ADV SELEKA SC: That should be fine Chair.

CHAIRPERSON: So you can tell them that in the light of -
the fact that she was going to be the only witness and they
want a postponement I have postponed it to a date to be

arranged but you will talk to them.

ADV SELEKA SC: Thank you Chair.

CHAIRPERSON: Ja, so for the benefit of the public there will be no hearing tomorrow but on Thursday and Friday there will be a hearing in regard money flows unit of the Commission concerning Estina. We are going to adjourn for the evening, we adjourn.

INQUIRY ADJOURNS TO 3 DECEMBER 2020