

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

01 MARCH 2021

DAY 352



Gauteng Transcribers
Recording & Transcriptions

22 Woodlands Drive
Irene Woods, Centurion
TEL: 012 941 0587 FAX: 086 742 7088
MOBILE: 066 513 1757
info@gautengtranscribers.co.za

CERTIFICATE OF VERACITY

I, the undersigned, hereby certify that, *in as far as it is audible*, the foregoing is a **VERBATIM** transcription from the soundtrack of proceedings, as was ordered to be transcribed by Gauteng Transcribers and which had been recorded by the client

COMMISSION OF INQUIRY INTO STATE CAPTURE

HELD AT

CITY OF JOHANNESBURG OLD COUNCIL CHAMBER

158 CIVIC BOULEVARD, BRAAMFONTEIN

DATE OF HEARING:

01 MARCH 2021

TRANSCRIBERS:

B KLINE; Y KLIEM; V FAASEN; D STANIFORTH



Gauteng Transcribers
Recording & Transcriptions

PROCEEDINGS RESUME ON 01 MARCH 2021

CHAIRPERSON: Good morning Mr Seleka, good morning everybody.

ADV SELEKA SC: Morning Chairperson.

CHAIRPERSON: I understand that Counsel wanted to see me if possible before we started and I indicated if we can start and it is something that can be dealt with openly then it is fine but if it is something that should be dealt with in chambers maybe during the tea break that is fine we can ...

10 **ADV SELEKA SC:** Yes Chairperson.

CHAIRPERSON: She can talk.

ADV SELEKA SC: Ja it was an enquiry about the cross-examination.

CHAIRPERSON: The?

ADV SELEKA SC: The cross-examination application.

CHAIRPERSON: Oh okay.

ADV SELEKA SC: Ja.

CHAIRPERSON: That relates to who?

20 **ADV SELEKA SC:** That is the application brought by Eskom to cross-exam – seeking leave to cross-examine Mr Koko.

CHAIRPERSON: Okay that – let us deal with that maybe during the tea break. Mr Koko still has quite some evidence to give so ja; okay alright.

ADV SELEKA SC: Thank you Chair. Yes we...

CHAIRPERSON: Please administer the oath or affirmation.

REGISTRAR: Please state your full names for the record.

MR KOKO: Matshela Moses Koko.

REGISTRAR: Do you have any objection to taking the prescribed oath?

MR KOKO: No.

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

MR KOKO: Yes.

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

MR KOKO: So help me God.

CHAIRPERSON: Thank you. I assume that – well I can see Mr Barrie so Mr Koko is represented in the same way as previously.

ADV SELEKA SC: Ja he is Chair.

20 **ADV BARRIE SC:** Ja if I – if I may record I am present on behalf of Mr Koko.

CHAIRPERSON: Yes.

ADV BARRIE SC: On instructions of Mr Phumudzo Ndou of Ndou Attorneys.

CHAIRPERSON: Thank you. Thank you.

ADV MCCONAUGHEY: Chairperson if I must put myself on

record?

CHAIRPERSON: Yes.

ADV MCCONAUGHEY: Chris McConaughy for Eskom.

CHAIRPERSON: Yes.

ADV MCCONAUGHEY: On instructions by Bowmans.

CHAIRPERSON: Okay thank you.

ADV MCCONAUGHEY: Being led by Mr Nxotobi.

CHAIRPERSON: Yes okay thank you. Thank you.

ADV SELEKA SC: Thank you Chair.

10 **CHAIRPERSON:** Okay let us start.

ADV SELEKA SC: Yes thank you Chair. Mr Koko is coming I think for the third or fourth time – fourth time. Welcome back Mr Koko. We – we do have a lot of ground to cover and Chair the – just for information purposes Mr Koko is coming mainly to testify on the transactions that would deal with issues of the cooperation agreement between Eskom and Tegeta – and OCM – Optimum. The termination of that cooperation agreement and decision made by Eskom based on the submissions that Mr Koko
20 would have submitted through one The Board, secondly the BTC on two different occasions about pre-payments and if we are able to we will traverse issues relating to McKinsey and – ja in relation to that Mr Koko it will be the exchange of emails with infoportal.

CHAIRPERSON: Yes okay alright.

ADV SELEKA SC: Thank you Chair. Chairperson the last time you requested the team to do an investigation into whether Mr Koko has used a private email address of Dr Ngubane before. The investigators were able to find two emails ...

CHAIRPERSON: Were able to find?

ADV SELEKA SC: Were able to find two emails.

CHAIRPERSON: Yes.

ADV SELEKA SC: Where Dr Ngubane's email address was
10 used on one occasion on behalf of Mr Koko by Mr Koko's
PA and on another occasion by Mr Koko himself. The – Mr
Koko that you find in Eskom Bundle 18(B) and that is page
1568 and 1569. That is the last two pages in that bundle.
So the first email on page 1568 – 1568 it is on a
Wednesday 4 – 4 February 2015 at 16:00 from Noluthando
Ngugema [?] on behalf of Matshela Koko briefing board
tender and the email is addressed to
baldwin.ngubane@gmail.com and I think Mr Koko is also
...

20 **ADV BARRIE SC:** Mr Chairman I – I have.

ADV SELEKA SC: Copied.

ADV BARRIE SC: I have great difficulty hearing my
learned friend.

CHAIRPERSON: Sorry.

ADV BARRIE SC: I have great difficulty hearing my

learned friend.

CHAIRPERSON: Oh yes.

ADV BARRIE SC: But if I may just be directed to the relevant page?

CHAIRPERSON: Yes.

ADV BARRIE SC: Then I would appreciate that.

CHAIRPERSON: Okay alright. If you can try and speak up Mr Seleka and of course you said the pages it is Eskom Bundle 18 page 156...

10 **ADV SELEKA SC:** Yes Chair.

CHAIRPERSON: 8?

ADV SELEKA SC: 1568 yes.

CHAIRPERSON: Well I see you have got 1567 and the next one is 1569.

ADV SELEKA SC: Ja on the – 1567 it is repeated in 1568 – it is on the flipside Chairperson. So we can also use 1567.

CHAIRPERSON: Oh okay. They decided to write the page numbers in a different place.

20 **ADV SELEKA SC:** It is because it is a landscape printout.

CHAIRPERSON: Okay.

ADV SELEKA SC: We can use 1567 it is also – it is the same email.

CHAIRPERSON: Ja okay.

ADV SELEKA SC: Yes.

CHAIRPERSON: Okay.

ADV SELEKA SC: So let us use 1567 Chairperson it is...

CHAIRPERSON: Ja.

ADV SELEKA SC: Again an email from saver to tower 2013 on behalf Matshela Koko sent on Wednesday 4 February 2015 to Baldwin.ngubane@gmail.com and it is briefing board – board tender. And there is more information there by the sender in Ngugemanl@eskom and to whom it was sent again Baldwin.ngubane@gail.com.

10 That in 2015 Chairperson – February 2015. Then you go to page 1569 – 1569 this is an email in 2017 then this one comes directly from Mr Matshela Koko on Saturday 11 March 2017 and it is addressed to board members including Baldwin.ngubane@gmail.com and you will recall Chair the testimony of Ms Suzanne Daniels she said this was the private email address of Dr Ngubane.

CHAIRPERSON: Yes.

ADV SELEKA SC: And not – and not infoportal1@zoho.com. Mr Koko you see those emails

20 there?

MR KOKO: Yes I do.

ADV SELEKA SC: We have heard of – you ready to say something?

MR KOKO: Ja I – I have to comment on this.

CHAIRPERSON: I think he is waiting for the question.

MR KOKO: No but I have to comment on this. He was...

CHAIRPERSON: Ja well he will give you a chance. He will put the question to you now.

MR KOKO: Alright.

CHAIRPERSON: About the emails. Alright.

ADV SELEKA SC: You may comment Mr Koko.

MR KOKO: No, no, no let me (not audible).

ADV SELEKA SC: No I am asking you to comment.

MR KOKO: Oh okay.

10 **ADV SELEKA SC**: Yes.

MR KOKO: Chair...

CHAIRPERSON: Well – well what – what do you want him to comment about? Do you not want to say – to connect the discovery of these emails with the previous...

ADV SELEKA SC: Yes.

CHAIRPERSON: The previous evidence so that he is clear exactly what you are looking for.

20 **ADV SELEKA SC**: Ja. Thank you Chair. So Mr Koko you have said that the email infoportal was given to you with the explanation that it is Dr Ngubane's email address?

MR KOKO: That is correct.

ADV SELEKA SC: And you said that was Ms Suzanne Daniels who told you that.

MR KOKO: That is correct.

ADV SELEKA SC: She has testified before the

commission that she did not – she never did that. She never gave you the email address infoportal as Dr Ngubane’s email address. She testified that the email of address I have just read out of Baldwin.ngubane@gamil.com is the email address – the private email address of Dr Ngubane. Your comment? In fact it seems to be even known to you that private email address of Dr Ngubane of gmail.com.

MR KOKO: Chair I have listened to the testimony of Ms
 10 Daniels and I have a lot to say but I will say very little. She has lied to you many times and I do not think she knows what lies she has told before. But I do not want to play the man or the person or the lady I want to 00:12:19.

The email on 1567 is February and was sent by my assistant to Mr Ngubane that was in February 2015 and after that I was suspended for almost five months. I think it is extremely unreasonable for me to remember an email that was sent – used by my PA five months after suspension (inaudible) to for the first time last night
 20 actually because we received the batch of – I received the bundle again midnight last night I came to realise that Suzanne has got more than two covert email addresses herself and for her to come and tell you and say Mr Ngubane – Dr Ngubane has this email address when she has multiple ones is disingenuous. So – so me – I did not

use Dr Ngubane's email before 2015 my PA did and five months after I came back from leave I am expected to remember it that is unreasonable.

Ms Daniels gave me this email address for the purpose of communicating to the PA – to the Chairman after I came back from suspension – after I sat her down giving my experience with Dr – with Mr Zola Tsotsi and I asked her how do I avoid the same experience.

Now Ms Daniels said to you – page 44 of her
10 transcript I had the intention of going through and I hope
were – you ask her a question. Did you have access of Dr
Ngubane's email address? She says yes. In her own
version in the same sentence she says I did not have the
private – I did not have access to the email address – to
the Eskom email address of Dr Ngubane. In her own
version she has access of Dr Ngubane email but she does
not have access of the Eskom. She also says the Eskom
email address Mr Ngubane – Dr Ngubane's PA had access
of it. So she only had the private email address of Dr
20 Ngubane. That is one.

2. You ask her: Did Dr Ngubane open any email addresses and print and send the documents to Koko or did the PA of Dr Ngubane open the email address and send the documents to Koko or you did open the email address and – to get the document? She says: It is a combination of

both.

Ms Daniels had access to the infoportal address without fail all the emails that I have sent to the chairman of Eskom for the purpose of discussing with her on issues that will sit before board reached Dr Ngubane she physically printed them and we had a three way meeting with Dr Ngubane.

ADV SELEKA SC: Ja well we are a bit confused by your explanation Mr Koko because when you were interviewed
10 on 702 when you were asked who is Businessman which is this email address of infoportal you did not say that is Dr Ngubane's private email address. You said Businessman is Ms Daniels. Your comment on that?

MR KOKO: Right. I found the submission of Mr Smith very interesting and I like your response to him on Friday because you said that clip must be made part of the bundle. Because it is a selective clip that is meant in my view to mislead you. Two things if you listen to the recordings – to the whole clip it is an interview I did with
20 702 Eusebius McAlister I say on two occasions this is the – this is an email I was given by Suzanne all information that I sent to this email reached the Chairman. Unambiguous un-equivalent and I really hope you will find the time and listen to it. I mean there is a discussion we had about Just Coal and I said but I sent this information to Suzanne it

reached the Chairman unambiguous. I really want you to listen to that. But there is a catch to that because it is in the end – same interview where Ms – where Ms Daniels confesses to committing crime. It is the same interview where Ms Daniels confesses to committing crime and she says in her own words after being asked what happens to the – to the officer of the court who commits crime? She says they go to jail. So you are dealing with a weakness here that sits before you who in her mind knows she has to go to jail for the crime she has committed and she 10 confessed to it on the radio. And the difficulty I have with her and I said I did not want to – I do not want to dwell much on her I am here to give my own evidence. I want to help you get to the truth. The difficulty you have Chair with the witnesses that come before you their intentions to not – is not to assist you to get to the truth their assistance – their intentions is to come here to prove a point of criminality against Mr Koko for the crime that you will hopefully eventually call state capture. Be that as it 20 may I have full confidence in you that today we will stop the gossip. We will stop the gossip and all what we must talk about is not he says, they say – said the evidence. We must today follow the evidence and I will assist you through the evidence to get to the truth not to get to who is guilty of the crime that will eventually call state capture.

ADV SELEKA SC: Ja. Thank you Chair. Ja. I really want to lead your evidence Mr Koko but what you are saying compels me to correct you because you conflating two issues. Ms Daniels concession for wrongdoing related to a payment she made approved by the board on behalf of Dr Ngubane's legal fees. It had nothing to do whatsoever with infoportal email address. So we are busy dealing with the status of your knowledge about infoportal email address. She said categorically in that interview she did not tell you
10 that. She has come and said here before the commission that she did not give you that infoportal email address and said it is Dr Ngubane's email address. And in fact you have received an email directly from infoportal when the pre-payment of R1.6 billion was being converted into a guarantee. That email gave you the details of what should be – the terms of the guarantee/the underlying agreement. You took that email from infoportal and you forwarded it to Ms Daniels. Let me give you the page reference so that we can speak about something that is before you. Again it is
20 Eskom Bundle 18 – 18 on page 1087. The same bundle page 1087. So that email is on 10 December 2015.

MR KOKO: This – I think I know the email.

ADV SELEKA SC: You know that email?

MR KOKO: Yes.

ADV SELEKA SC: Which sends you a two pager.

MR KOKO: Yes.

ADV SELEKA SC: And it is from Businessman. A two pager between Tegeta and Eskom salient points. Eskom will provide bank guarantee of R1.68 billion. Then we will come back to this email. That email you then forwarded it to Suzanne Daniels.

CHAIRPERSON: Maybe just for convenience Mr Seleka I know we may have read it into the record.

ADV SELEKA SC: Yes.

10 **CHAIRPERSON:** But will you read it into the record again.

ADV SELEKA SC: Sure I will Chair. The email is from Businessman it is dated 10.12.2015 it is after midnight. It is addressed to matshela 2010 subject: Two Pager. And Mr Koko would you confirm matshela2010 is that your – was that your Eskom...

MR KOKO: That was my private email address.

ADV SELEKA SC: Your private email address. The subject is Two Pager. Two Pager between Tegeta and Eskom Salient Points.

20 “Eskom will provide bank guarantee for R1.68 billion CP which is condition precedence for release its Section 11 approval from DMR competitions commission approval.

- Tegeta will supply from OCM as per contract that for the twelve months pre-

payment [January 2016 to January 2017]
will give a 5% discount of the R154.

- Tegeta will supply from Koornfontein as per contract for same period at the original R380 not the requested increased tariff.
 - At the end of each month starting [End February 2016] Eskom shall deduct R140 is that R140 million from amounts due to recoup the R1.68 billion.
- 10
- Tegeta receiving pre-payment for two mines supply but Eskom can use monies owed from all three mines [Brakfontein also] to recoup the R140 million per month.
 - Therefore if Tegeta does not deliver full volume from OCM or 00:24:35 the payments due for Brakfontein can be thwart.
 - Any amounts due over the R140 million for each month shall be payable to Tegeta.
- 20
- Two pager almost as addendum to the supply contracts.”

Then that email is forwarded to Ms Suzanne Daniels by yourself at 7:31 on the same day in the morning. You see that Mr Koko? You see that Mr Koko?

MR KOKO: Yes I do.

ADV SELEKA SC: So how do you explain that?

MR KOKO: Chairman

CHAIRPERSON: I am sorry Mr Seleka.

ADV SELEKA SC: Yes Chair.

CHAIRPERSON: You want to complete your sentence how does he explain what?

ADV SELEKA SC: How do you explain sending an email from infoportal which you say it is an email address where you were communicating with Ms Suzanne Daniel and Dr
10 Ngubane you taking that email you forwarding it to Ms Suzanne Daniels. One would expect based on your version that she already has that email and then there is no need to forward it to her. Would you please then explain how we should understand this?

MR KOKO: Chair let me start to – the way Mr Seleka started. Ms Daniels confessed to a crime. She confessed to expecting to go to jail. Whether it is a crime of Tegeta or a crime of murdering a person is irrelevant. Officials of the court that she confesses to a crime that she committed
20 while working for Eskom that is the point I am making. It is on that audio that is the point I am making. Let me get to the – to answer the question. By this time I had sent a lot of communication to the Chairman to the – through this email. The pre-payment transaction was an urgent issue for me at the time. When I received this message I

received it in the morning I did not read the detail of it but I could see it comes from the email that I used for the Chairman and I could see it relates to the pre-payment. I phoned Suzanne if you check my telephone records you will see that about five/six minutes before I sent this email I phoned Suzanne and says I have received an email from the Chairman it relates to the pre-payment I do not know what it is all about. Please look at it and let me know if we have to go and see the Chairman about it. I do not know
10 what the Chairman is communicating with it. I have learned from the first time that it relates to the – to the guarantee. I did not even know about the guarantee. I subsequently related after we met Suzanne during lunchtime. I asked Suzanne have you looked at the email? Do we need to see the Chairman? She says no, no it is in control we do not need to see the Chairman. But fast forward the guarantee was – the document for the guarantee was compiled by the Eskom Treasurer and it is not a coincidence why the guarantee motivation would
20 come from the Eskom Treasurer because if you go to Eskom 10 – Eskom Procurement and Procurement Procedure we call it 103224 page 62 of it I would like to go to it. Can we go to it?

CHAIRPERSON: Ja that is fine.

MR KOKO: It is in Bundle MMK49.

CHAIRPERSON: Okay.

MR KOKO: And then that is...

CHAIRPERSON: Let us go to it.

MR KOKO: 49 it is Bundle 15.

CHAIRPERSON: Just repeat that Mr Koko so my Registrar can identify the bundle?

MR KOKO: MMK49 it is in Bundle 15 and I will give you the page.

CHAIRPERSON: Oh Bundle 15 is here. I have got Bundle
10 – 594. Yes, I have got that page 594, Bundle 15.

MR KOKO: Right. We will try to come back to it but I am going to read the middle of the sentence. It says Eskom...

It says:

“And advanced payment may be ...[intervenes]

CHAIRPERSON: Okay. No, no. There is some problem. My 594 does not have sentences. It is MMK-49. My page 594 in Eskom Bundle 15. I think my registrar seems to... I think she has got the ...[intervenes]

MR KOKO: Chair, if you have got MMK-49?

20 **CHAIRPERSON:** H'm?

MR KOKO: MMK-49 has got 156 pages. If you go to page 61 of 156.

CHAIRPERSON: Ja-no, this is the end of this bundle. So maybe it is the next bundle. Let me see. Mr Seleka, you are having – are you able to find it?

ADV SELEKA SC: I think I ...[intervenes]

CHAIRPERSON: Okay. Okay I think I have now been given... Oh, there is a... Okay Bundle 15 appears to have A, B and C. Is it A, B only? Ja, A and B.

ADV SELEKA SC: A and B.

CHAIRPERSON: So this is in Bundle 15(B). The one that I was looking at was Bundle 15(A).

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Ja.

10 **ADV SELEKA SC:** Yes. Just give us the page reference again Mr Koko?

CHAIRPERSON: Okay I have now got 8594. 8594 is the same document I saw earlier on, on the other bundle. Mr Seleka, are you able to find it?

ADV SELEKA SC: I have it. Mr Koko, just gives us the page reference again.

MR KOKO: Bundle 15, page 654.

ADV SELEKA SC: 654.

CHAIRPERSON: 654?

20 **MR KOKO:** [No audible reply]

CHAIRPERSON: Mr Koko?

MR KOKO: 654.

CHAIRPERSON: Oh, I think your counsel said 594 and ...[intervenes]

MR KOKO: Chair, I mean the old document.

ADV SELEKA SC: Yes.

CHAIRPERSON: Oh, is that so?

ADV BARRIE: [Indistinct] [microphone not switched on.]

CHAIRPERSON: Oh, the actual document ...[intervenes]

MR KOKO: Page 654.

CHAIRPERSON: Okay. Okay I have got it.

MR KOKO: The document is an Eskom Procurement and Supply Management Procedure commonly known as 32-10-34. That page deals with two issues and many people
10 have really went to town and embezzled what this says. First it says: Advanced payments are allowed in Eskom.

CHAIRPERSON: Just repeat that.

MR KOKO: “An advanced payment may be an acceptable strategy for Eskom ...[intervenes]

CHAIRPERSON: Ja.

MR KOKO: ...in certain circumstances.”

CHAIRPERSON: Yes.

MR KOKO: That is very – that is the message that I want to put it to you.

20 **CHAIRPERSON:** Ja.

MR KOKO: You know, I ...[intervenes]

CHAIRPERSON: Well, maybe you might wish to read the relevant portions first and then talk about it.

MR KOKO: Right. And then it says:

“Approval to proceed with the contract

containing advance payment conditions must be supported by a relevant financial functionary and approved by procurement in the committee ...[intervenes]

CHAIRPERSON: Tell us where about on that page you are reading mister...

MR KOKO: Paragraph 1, 2, 3, 4, 5.

CHAIRPERSON: Is that starting with SBE?

MR KOKO: It starts with Eskom does...

10 **CHAIRPERSON:** Okay alright. Okay just read the relevant part then.

MR KOKO: Yes.

“An advanced payment may be an acceptable strategy for Eskom in certain circumstances...”

And then the last paragraph says:

20 “In the event that you find advance payment acceptable, approval to proceed with a contract containing advance payment conditions must be supported by the relevant financial functionary and approved by a procurement tender committee not within a dual or duplicate application(?)...”

CHAIRPERSON: Okay let me just see.

“Eskom does not infringe(?) the provision of advanced payments...”

That is the first sentence. Then:

“An advanced payment may be an acceptable strategy for Eskom in certain circumstances. This may be considered in cases where the supplier will have to make a big capital outlay before starting with the contract.

10 This may be necessary when assessed of goods ordered and paid for and where assets of have a long lead or when manufacturing starts need to be booked and paid for when in advanced of goods being delivered.

And advanced payment will only be issued on condition that an advanced payment on the Eskom pro forma working and it provided by supplier.

The relevant contractual provisions relating to advanced payments also need to be included in the...

20 Approval to proceed with the contract containing an advanced payment conditions or advanced payment condition must be supported by the relevant financial functionary and approved by a PTC not with dual or...”

Okay alright.

MR KOKO: Now ...[intervenes]

CHAIRPERSON: You want to comment on the
...[intervenes]

MR KOKO: Now the next important one.

CHAIRPERSON: Ja.

MR KOKO: I point to the email. I want to answer that.
We will come back to this.

CHAIRPERSON: Ja.

MR KOKO: When we did prepayment.

CHAIRPERSON: Ja.

10 **MR KOKO:** And I will advise you that when you give the
prepayment you comply to Eskom procedures and I find – I
will find it very difficult that condemn for complying to the
Eskom procedures. And I will also say, if you do not like
the procedures, change them but do not condemn them.

CHAIRPERSON: H'm.

MR KOKO: Then the next sentence says – the next
paragraph it says – it starts with Eskom Treasury. Now
this is the part I want to put.

20 “Eskom Treasury Department is appointed by
the Treasury Committee to facilitate an
managed the Eskom wide guarantee process.
A further committee chaired by the finance
director is responsible for ensuring that Eskom
through Eskom Treasury Department has
effective credit risk exposure management

process in place including centralised administration of guarantees issued in favour of Eskom.

The process also include monitoring of the guarantees exposure against... of the guarantees...”

So I am saying the guarantee was motivated and done at the right delegated authority. It was not, in my view, done from outside unless you want to suggest –
10 Mr Seleka wants to suggest that the Treasurer of Eskom, Caroline Henry, was part of the conspiracy. She was not.

The email came to me. It is an email that I have used before several times. It belongs to Dr Ngubane. It had the pocket that was, at that point, most relevant, according to Ms Daniels.

I said to Ms Daniels: Here is a document from the chairman. It relates to a transaction that I have asked you to deal with. Let me know if he has – he wants to convey something to you. I did not read it. I did not even
20 know it deals with the guarantees.

I have learnt about the guarantee issues in that email through the process of the Commission.

CHAIRPERSON: Well, going to Mr Seleka’s question and that email on the pager. I may have asked you this question before and you may have answered but I just want

to make sure that if I did not, you are able to deal with it now.

The crux of issues that are dealt with in that email do not seem to me to be the types of issues that the chairperson of the Board of Eskom would write to you about. Is that a mistaken view? They seem to be too operational.

MR KOKO: Chairman, that is correct.

CHAIRPERSON: H'm.

10 **MR KOKO**: That is correct. If I had read it at that point, I would have said but why would the chairman talk about such issues of details that even me at operational level I would not know of.

CHAIRPERSON: H'm, h'm.

MR KOKO: But I did not look at it. I simply forwarded.

CHAIRPERSON: H'm, h'm.

MR KOKO: But that level of detail ...[intervenes]

CHAIRPERSON: It did not come from the chairperson.

MR KOKO: ...should not come from the chairperson.

20 **CHAIRPERSON**: Yes.

MR KOKO: Should not come from the chairperson.

CHAIRPERSON: Yes. Let us assume for present purposes that you are correct in saying. You did not look at it because if you had looked it at it, that would have said to you but this cannot come from the chairperson of the

board.

Now when – or subsequently when you looked at the contents of the email and now when you look at it, to the extent that the issues dealt with there, to the extent that I am writing, thinking they should not be coming from the chairperson of the Board of Eskom.

Would that not be an indication that therefore the email did not come from him?

MR KOKO: On, Chair in hindsight and having listened to
10 the evidence.

CHAIRPERSON: Yes.

MR KOKO: And that is why I said to you the last time.

CHAIRPERSON: Yes.

MR KOKO: I would be very angry and flabbergasted.

CHAIRPERSON: Yes, yes, yes.

MR KOKO: It is very clear that it cannot come from him.

CHAIRPERSON: Yes, yes, yes, yes.

MR KOKO: It is not ...[intervenes]

CHAIRPERSON: There is no doubt about that.

20 **MR KOKO:** There is no about that.

CHAIRPERSON: Yes, yes, yes.

MR KOKO: And that is why I am angry, flabbergasted
...[intervenes]

CHAIRPERSON: Yes.

MR KOKO: ...that I am made to communicate to an email

that has got third parties.

CHAIRPERSON: H'm.

MR KOKO: And for me, it has got nothing to do with Salim Essa or not.

CHAIRPERSON: H'm.

MR KOKO: And material to you.

CHAIRPERSON: Ja.

MR KOKO: But is more and more becoming obvious that it is an external party.

10 **CHAIRPERSON:** Yes, yes, yes.

MR KOKO: And that is what angers me.

CHAIRPERSON: Yes.

MR KOKO: That is what makes me flabbergasted.

CHAIRPERSON: H'm, h'm.

MR KOKO: That we have exposed Eskom information that should not end up with third parties – end up with third parties.

CHAIRPERSON: H'm, h'm.

20 **MR KOKO:** But here is the next step that angers me the most. Again, you should go the transcripts of Ms Daniels. You have put to him... I apologise. You put to her. It says: Mr Koko says he got it from you. And her response made me truly angry. Her response is:

“Mr Koko is trying to mislead the Commission.

I do not know infoportal address and I have

never used it...”

Page 44 of 145. Page 44 of 146 of that...

CHAIRPERSON: Okay alright.

MR KOKO: Yes, third party.

CHAIRPERSON: H’m.

MR KOKO: I do not know infoportal address. I have never used it. Mr Koko has never – is misleading the Commission. And that is why I say Ms Daniels has lied so many times because I do not think it is in dispute in this
10 Commission that whether she used it or not. I went yesterday – my counsel gave me a list of emails that she has used.

She was dismissed at Eskom and the Eskom papers say she did not dispute she used it. All what she said was it was for the DG, Mr Seleke. But she comes here and says Mr Koko is misleading the Commission.

“I do not know infoportal and I have never used it...”

That is the type of witness you are dealing with
20 and put...

CHAIRPERSON: Would you accept that now that you are able to say: Well, this email could not have not – it did not come from Dr Ngubane. Would you accept or would you not accept that it therefore means that all the emails that you have got from Businessman did not come from

Dr Ngubane.

MR KOKO: Without a doubt.

CHAIRPERSON: You accept?

MR KOKO: Without doubt.

CHAIRPERSON: Yes, yes. So you – and you have already said you accept that, it came from outside, not from inside Eskom.

MR KOKO: Correct.

CHAIRPERSON: So the only issue you make – the only
10 point you make is to say you did not know that you were communicating – you are receiving communication from somebody from outside and that when you were sending emails to Businessman, that you were sending emails to somebody from outside. That is the point you make?

MR KOKO: Correct.

CHAIRPERSON: Yes. Mr Seleka.

ADV SELEKA SC: Thank you Chair.

MR KOKO: Just one second Mr Seleka.

ADV SELEKA SC: [No audible reply]

20 **MR KOKO**: Sorry. Yes.

ADV SELEKA SC: Okay. There are a couple of things mentioned about you there Mr Koko but let me pick up on the last one. The last one you are saying doctor – not doctor – but Ms Daniels' evidence is that she never used it but Ms Daniels has accepted to using the email address as

on her version given to her by Dr Ngubane.

In fact, it was you who said you never sent an email to infoportal for Businessman. It was you who said that.

MR KOKO: Chair, I – what ...[intervenes]

CHAIRPERSON: Okay hang on. Let me hear what your counsel says.

ADV BARRIE: Because what is being put to the witness is simply not correct. On the 19th of February, very recently,
10 should have been my learned friend's memory. Ms Daniels – it was put by my learned friend that this Businessman was then the address used communicate with Dr Ngubane and Ms Daniels said:

“Oh, no Mr Chairman, I think Mr Koko is trying to mislead the Commission. I at no stage told him that the infoportal address of Businessman address belongs to Dr Ngubane.

I did not use it. I categorically deny that.

Dr Ngubane had a personal email and it was
20 Baldwin, etcetera.”

That is her evidence. But my learned friend does illustrate though is – well, I trust that that is what he will illustrate to you, is that Ms Daniels' version about facts before you changed from day to day.

CHAIRPERSON: Mr Seleka.

ADV SELEKA SC: Yes, thank you Chair. We – Ms Daniels has accepted using the email Chair previously. The documentation clearly show that as well. When there was an exchange of the – of an email with – from infoportal regarding cutting ties with media houses, Mail & Guardian, City Press and so on, Ms Daniels was in that correspondence and the resolution was passed on from Dr Ngubane to Ms Daniels which became a Round-robin resolution of the board. So that is the evidence before us.

10 What I think she is trying to – she is emphasising here ...[intervenes]

ADV BARRIE: No, no ...[intervenes]

ADV SELEKA SC: [laughs]

ADV BARRIE: Not my learned friend. My learned friend was questioning her at the time. It is not for him to tell you Mr Chairman what he thinks is relevant to you.

CHAIRPERSON: Okay. I am not sure... Well, just remind me what your question was that Mr Barrie had...

ADV SELEKA SC: Yes, correct Chair.

20 **ADV BARRIE:** So I think my learned friend does confirm what I said, I trust that he was going to demonstrate.

CHAIRPERSON: Yes, but I want him to repeat the question that gave rise to the debate.

ADV SELEKA SC: The – it was a statement Chair to Mr Koko that Ms Daniels has accepted to using infoportal

as given to – the infoportal address as given to her by Dr Ngubane.

CHAIRPERSON: You said that to Mr Koko?

ADV SELEKA SC: Yes.

CHAIRPERSON: Alright.

ADV SELEKA SC: But then I added this because Mr Koko was saying Ms Daniels said has never – has denied using the email address.

CHAIRPERSON: H'm.

10 **ADV SELEKA SC:** So I am saying to Mr Koko, in fact, it was Mr Koko himself who said he has never sent an email to infoportal.

CHAIRPERSON: Yes?

ADV SELEKA SC: And I was about to ...[intervenes]

CHAIRPERSON: Well, I think let us say that. Mr Koko ...[intervenes]

ADV SELEKA SC: Yes.

CHAIRPERSON: Is it your recollection that you said you never sent an email to...? Mr Seleka, to...?

20 **ADV SELEKA SC:** To infoportal or Businessman.

CHAIRPERSON: Ja.

MR KOKO: No, Chair. I have never told this Commission that I have not sent it ...[intervenes]

ADV SELEKA SC: Not just ...[intervenes]

MR KOKO: The question came from Parliament, from

Ms Mazzone ...[intervenes]

ADV SELEKA SC: That is exactly my point.

MR KOKO: Ms Mazzone asked me ...[intervenes]

CHAIRPERSON: Hang on. Mr Seleka?

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Let us be quiet. He is speaking. I thought you were saying something. Yes, Mr Koko.

MR KOKO: Ms Mazzone asked me two related questions:
Did you send an email to Salim Essa, Businessman email
10 address on Yahoo2010? I said to her: You know, this
Yahoo2010 has been disconnected for – by Yahoo.

And they have sent me an email that there are suspicious activities. So I immediately investigated before I could even answer that question. And then she asked a questions:

“Did you ever send an email to Salim Essa on infoportal Businessman email address?”

That is what I understood.

I said:

20 “No. No, I never done that. I have never sent an email of Salim Essa emails to infoportal address or Businessman. I have never done that.”

CHAIRPERSON: So that seems not to be so different from what Mr Seleka was saying. Because I think what you

are saying is. You asked specific questions but your response was that you had never sent an email either to Businessman or infoportal or Salim Essa.

MR KOKO: Ja-no, Chair, the question there was that I disputed. And I still dispute. It is the link that I sent an email to Salim Essa on infoportal address.

CHAIRPERSON: Yes. So your evidence is that. What you said there in response to Ms Mazzone was that, you had never sent any email to Salim Essa or infoportal.

10 **ADV BARRIE:** No, Mr Chair that was not the witness's evidence.

CHAIRPERSON: Well, I am trying to clarify his evidence.

ADV BARRIE: It was Salim Essa ...[intervenes]

CHAIRPERSON: Mr Barrie, please sit down. I am getting clarification.

MR KOKO: I have not sent an email to Salim Essa at that address.

CHAIRPERSON: At infoportal?

MR KOKO: Yes.

20 **CHAIRPERSON:** Oh, okay. Okay. No, no, no. Now I understand. Okay. Does that mean – or I take it and you must clarify if my understanding is correct. Does that mean you are not denying having – you are not denying having sent any email to infoportal or to have used that email address but all you are saying is, you never used

that email address to sent an email to Salim Essa?

MR KOKO: Chairman, the... I call interrogation. The interrogation at the Parliament ...[intervenes]

CHAIRPERSON: H'm?

MR KOKO: The issue at the Parliament of did I send emails to Salim Essa.

CHAIRPERSON: To Salim Essa?

MR KOKO: Yes, that is the issue.

CHAIRPERSON: Ja. And your answer was no.

10 **MR KOKO:** The answer was no.

CHAIRPERSON: Yes.

MR KOKO: Full stop.

CHAIRPERSON: But in your answer earlier on you said something about infoportal as well.

MR KOKO: Yes, because the parliamentarians, in their view, was infoportal is Salim Essa.

CHAIRPERSON: Yes. Ja, but what I am trying to understand is whether – I mean, if it is – it is clear from what you are saying to me that to the extent that you were
20 being asked whether – or maybe it is not clear. [laughs]
Let me ask it this way. Had you, as at the time of answering the question in Parliament, had you sent any email to Salim Essa under whatever email address?

MR KOKO: That is what I understood the question to be.

CHAIRPERSON: Yes.

MR KOKO: And my answer was no.

CHAIRPERSON: Oh, okay. No ...[intervenes]

MR KOKO: I understood the question exactly to that point.

CHAIRPERSON: Okay, okay.

MR KOKO: Yes.

CHAIRPERSON: Now then the next question I want to ask is. As at that time when you were in Parliament answering the question, had you sent any email to anybody using the
10 infoportal email address?

MR KOKO: No. Well ...[intervenes]

CHAIRPERSON: You had not?

MR KOKO: No, no, no. At that point, I would have said yes.

CHAIRPERSON: You would have said yes?

MR KOKO: Yes.

CHAIRPERSON: Okay because you had.

MR KOKO: Because I had.

CHAIRPERSON: Okay alright.

20 **MR KOKO:** Yes.

CHAIRPERSON: I hope that has clarified things Mr Seleka.

ADV SELEKA SC: Chair, then let us go to the question.

CHAIRPERSON: H'm.

ADV SELEKA SC: Let us go to the question. It is in

15(B), Eskom Bundle 15(B) on page 1090.

MR KOKO: I am there.

ADV SELEKA SC: 15(B).

MR KOKO: Yes.

ADV SELEKA SC: 15(B). Well, that is the same bundle where you referred us to that document with, advanced payment.

MR KOKO: [No audible reply]

ADV SELEKA SC: Page 1090.

10 **CHAIRPERSON:** You said 1090. Is that right?

ADV SELEKA SC: Yes, Chairperson.

CHAIRPERSON: Okay I have got it.

ADV SELEKA SC: And Chair, you could start on the previous page Chair.

CHAIRPERSON: Okay.

ADV SELEKA SC: Which will give you context of what the debate was about. So that is page 1089.

CHAIRPERSON: Yes.

20 **ADV SELEKA SC:** And I will start with Ms Mazzone, the second last. Let me tell you. She starts by saying that.

CHAIRPERSON: I am sorry. You are starting from where about? The last...

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Almost the last big paragraph?

ADV SELEKA SC: Ja, the second last paragraph.

CHAIRPERSON: Ja, okay.

ADV SELEKA SC: Against the name Ms Mazzone.

CHAIRPERSON: Ja.

ADV SELEKA SC: It says:

“Let me tell you. When it was active, a few interesting, maybe disturbing things happened.

On 4 November 2015 at 22:39 an email left matshela2010@yahoo.co.za and it went to the DG of Public Enterprises who had a private email address, an infoportal email address.

10

And it said: Please give the boss...”

Now when they are talking about the DG Chair, you will see what Mr Koko says in response because the impression here ...[intervenes]

CHAIRPERSON: Well, you do not intend to read the whole paragraph.

ADV SELEKA SC: Yes, I am not reading it now because I am going to Mr Koko’s answer.

CHAIRPERSON: Hang on one second. Let me just...

20 **ADV SELEKA SC:** [No audible reply]

CHAIRPERSON: Yes, okay continue.

ADV SELEKA SC: Yes. Then Mr Koko answers. He says:

“I have never sent an email to the DG, Richard Seleke. I have never done that...”

Then the next page:

“Did you ever send an email, perhaps to someone called Businessman?”

And this was his response:

“Not at all.”

CHAIRPERSON: H’m.

ADV SELEKA SC: So Chair, it is not even whether you sent an email to Salim Essa. It is specifically to Businessman. And in the context of talking about Richard Seleke because there is a version that says infoportal is an
10 email address at Richard Seleke.

And it goes on to say – Ms Mazzone says:

“Because that is the address used for Mr Seleke, him, on his email.

You know how my email – when I sent it to you it says Tasha, his comes out as Businessman.

So maybe Businessman rings a bell.

So these emails that have come from your email address or are you thinking that these were created to put you in a bad light?”

20 Mr Koko says:

“I have heard many versions about those emails and I think that there is a way to verify them and they must be verified...”

Now that question did not relate to Salim Essa. Mr Koko, it related to Businessman and the infoportal

address.

MR KOKO: Chair, the reason I said there are many versions.

CHAIRPERSON: H'm?

MR KOKO: There are many versions. My understanding of that question was unambiguous. In fact, if you accuse me of anything, it is me saying I have never sent an email to DG Seleke because I have.

The Businessman, Salim Essa, that is how – at
10 all material times in that discussion, Salim Essa. And that is why I said to Mazzone but there are many versions of this story. You need to verify it. So at all material times, Salim Essa.

CHAIRPERSON: Well, you are saying that to the reference to Businessman, you associated with Mr Salim Essa?

MR KOKO: No, I did not associate it. The committee members associated it with him.

CHAIRPERSON: Yes.

20 **MR KOKO:** They generally associated it with him.

CHAIRPERSON: H'm.

MR KOKO: I mean, I have a lot of questions.

CHAIRPERSON: H'm.

MR KOKO: Including this. I mean, this story and that of Mr Seleka has now made, there are many versions of that.

CHAIRPERSON: H'm.

MR KOKO: I did not – I personally did not but many people that comes to me says: Mr Koko, you sent Businessman email address. Who is this? Salim Essa? No, I have not done that.

CHAIRPERSON: But I do not understand your evidence in this regard then. If you did not associate the term Businessman with Mr Salim Essa, how could you have understood – how could you have meant your answer to be
10 that you never sent an email to Salim Essa when you are asked the question did you ever send an email to Businessman?

MR KOKO: Chair, because Businessman has been induced to describe Salim Essa by ...[intervenes]

CHAIRPERSON: Yes, but if you do not associate Salim Essa with Businessman then your answer – your question – your answer would expect when you are asked that to apply your mind to who is businessman, as far as you are concerned.

20 **MR KOKO:** That is why I am saying we must verify this email.

CHAIRPERSON: That is why?

MR KOKO: I say verify this email.

CHAIRPERSON: That is to the transcript?

MR KOKO: Yes.

CHAIRPERSON: Mr Seleka?

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Well, after you said not at all Ms Mazzone says because that is the alias used for Mr Seleka – Mr Seleke.

ADV SELEKA SC: That is right, Chair.

CHAIRPERSON: I am sorry, Mr Seleka, that is the alias used for Mr Seleke on his email. You know how my email, when I send it to you it says Asha. His comes up as
10 Businessman.

ADV SELEKA SC: Yes.

CHAIRPERSON: So maybe Businessman rings a bell. So these emails that have come from your email address or are you thinking that these were created to put you in a bad light? So in this explanation that Ms Mazzone gives after you had said not at all, after you had said you had never sent any email to Businessman and you say that you were – in your mind you were saying you were thinking they were asking you whether you had sent an email to
20 Salim Essa, as I understand it. She then explains and her explanation does not talk about Salim Essa, it associates Businessman with Mr Seleke who I think was Richard Seleke and may have been DG of Public Enterprises at the time. So she does not refer to Seleke – to Mr Salim Essa.

MR KOKO: Chair, you may be right but I am saying at all

material times when I engage with her and the parliamentarians and the journalist, Salim Essa is in my mind, at all material times, and I have none done that.

CHAIRPERSON: But at that time you knew – you accepted or did you not accept that you had sent emails to businessman, whoever you thought Businessman was.

MR KOKO: Yes.

CHAIRPERSON: Yes, yes, so – and then after she had given this explanation you say:

10 “I have heard many versions about those emails and I think that there is a way to verify them and they must be verified.”

And then she comes up with – she says in the next paragraph:

 “I think in actual fact that is exactly what is happening even as we speak because I was very honest with Mr Singh last night and I am going to be very honest with you, I required these documents to be forensically audited because I think we need to know for sure that these are legitimate email addresses and as the Public Enterprises committee we certainly do need to know that. In 2015...”

20

Then she talks about Dubai.

I will say this to you that on the face of it it seems to me that once she explained that businessman, on her

understanding, was the alias for use for Mr Seleke – I must be sure that I do not say Seleka – Seleke, I would have expected you after she has said that to say look, when I say I have not sent an email to Businessman, I am talking about Mr Salim Essa because she was now telling you that she had in mind Mr Seleke as the businessman. What do you say to that?

MR KOKO: No, Chair. So when you are not in the ring, you do not understand. At that point there were many
10 versions about the email address. Even members inside parliament and outside parliament had many versions and frankly, I got to a point where I said listen, go verify this thing before you come put it to me. That is where I was at that point.

CHAIRPERSON: But why did you not say to her look, I have sent emails to Businessman but my understanding of who I was sending those emails to was so and so?

MR KOKO: Chairman, that was not the question.

CHAIRPERSON: Yes but you can see that on your
20 understanding of who the Businessman is and on her understanding it is two different things. As I understand you, at that time, when you sent the emails, your understanding was that Businessman was Dr Ngubane and on her understanding she understood that Businessman was Mr Seleke, Richard Seleke.

MR KOKO: I understand that [inaudible – speaking simultaneously]

CHAIRPERSON: And then journalists, you have told me, journalists or some other people understood Businessman to be Mr Salim Essa.

MR KOKO: Yes.

CHAIRPERSON: So what I am suggesting to you is that once you understood if you had thought that she was asking you a question, the question have you sent emails
10 to Mr Salim Essa because you thought that is what she was talking about because a lot of journalists were saying Businessman is Salim Essa. Once she had revealed to you that she was thinking it is somebody else, seems to me that that was the opportunity for you to say well, you have somebody else in mind, the person I have in mind in regard to Businessman was Dr Ngubane. I have sent emails to Businessman which I intended to reach Dr Ngubane. What do you say to that?

MR KOKO: Chairman, I did not do that.

20 **CHAIRPERSON:** Yes.

MR KOKO: I did not do that.

CHAIRPERSON: Yes.

MR KOKO: But I have – frankly, she had already told – said a lot of times that we are being rid of forensics on this. So go do it, get rid of forensics, go do it.

CHAIRPERSON: Yes but you understand what I am saying, I am saying what you are confronted with is you have been asked a very specific question, have you ever sent any email or emails to Businessman and your understanding is that a lot of people think Businessman is Salim Essa and you know that you have used – you have sent emails to Businessman but you thought on your version you were sending emails to Dr Ngubane. She comes up, she says in effect her understanding is that
10 Businessman is Mr Richard Seleke.

So what I was putting to you is that once you were aware of that, I would expect you to say no, you know what, there seems to be different understandings, I have sent emails to Businessman but my understanding was that Businessman was Dr Ngubane.

MR KOKO: Chair, I did not do that. I did not do that.

CHAIRPERSON: Yes, okay, alright. Mr Seleka?

MR BARRIE SC: Chairman, may I just ask something?

CHAIRPERSON: Yes.

20 **MR BARRIE SC:** Because in the bundle of documents, bundle 18 that has been made available to us, there are emails from Mr Koko but they are all addressed to info portal, I have not been able to find any that are addressed to businessman.

CHAIRPERSON: Yes.

MR BARRIE SC: I do know whether my learned friend has been keeping – whether there are documents that have not been made available to us but in bundle 18 I cannot find any email from Mr Koko that went to businessman. Maybe my learned friend can clarify that.

CHAIRPERSON: Ja, okay. Mr Seleka, do you want to [inaudible – speaking simultaneously]

ADV SELEKA SC: Ja. Chair, the answer is a simple one. I think my learned friend could have asked Mr Koko to
10 explain because Businessman is Info Portal and it appears on the other emails that are already in the bundles.

MR BARRIE SC: I do not think that addresses the issue, the documents before you, there is no documents on Mr Koko that goes to Businessman. It goes to the Info Portal address.

CHAIRPERSON: Well, we can check if we need to check but my own understanding of your client, Mr Koko, is that he would be the first one to point that out if that was – if he had never sent a email to businessman.

20 **MR BARRIE SC:** And I just want to interrupt again because you will recall that you said to me I must sit down.

CHAIRPERSON: Yes.

MR BARRIE SC: So I did not want to interrupt your questioning of the witness.

CHAIRPERSON: Yes.

MR BARRIE SC: But all I am saying is that on the documents before you...

CHAIRPERSON: Ja, ja.

MR BARRIE SC: ...there are no documents. So if Mr Koko, on the documents before you, say to Mr Mazzone I never sent an email to businessman, that is quite correct on the documents before you.

CHAIRPERSON: Yes.

MR BARRIE SC: Because there are no documents that
10 went to Businessman from Mr Koko on these documents.

CHAIRPERSON: Ja, okay, Mr Seleka, I am ...[intervenes]

MR BARRIE SC: But if my learned friend knows better and he has another document to that effect then he is obliged to make it available.

CHAIRPERSON: Mr Seleka, I think you probably have something to say. I think say that and then we take the tea break and, if necessary, during the tea break the two of you can talk, clarify whatever and when you come back we can proceed.

20 **ADV SELEKA SC:** Thank you, Chair.

CHAIRPERSON: Ja.

ADV SELEKA SC: Thank you, Chair, I was going to say exactly that because we can show my learned friend from the documentation that Businessman is Info Portal.

CHAIRPERSON: Yes, ja.

MR BARRIE SC: Ja, that is of course not the point that ...[intervenes]

CHAIRPERSON: Okay, you will talk about it during the tea break. Okay.

MR BARRIE SC: Because my learned friend is not assisting you by avoiding the issue.

CHAIRPERSON: I think I have a recollection that does not seem to make this issue for me – this difference an important one but let us take the tea break and if there is
10 anything to thrash out between the two of you, you will discuss, and then we can take it from there. Of course we have a situation where the witness has given an answer.

ADV SELEKA SC: Yes.

CHAIRPERSON: And when Mr Barrie re-examines he is free to clarify that if he wishes to have it clarified but if there are any documents, you will show him the documents that you have in mind.

ADV SELEKA SC: The emails, Chair, thank you.

CHAIRPERSON: Ja, indeed, the emails, ja.

20 **ADV SELEKA SC:** Yes.

CHAIRPERSON: Okay, let us take the tea adjournment. It is twenty past, we are going to resume at twenty five to twelve. We adjourn.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: Okay, let us continue.

ADV SELEKA SC: Thank you, Chair.

MR BARRIE SC: Mr Chairman, if I may, what is at issue at this stage is what Ms Mazzone put to Mr Koko, the following and he pointed out to the witness and what is evident is Ms Mazzone operated on the premise that the Info Portal address belonged to the Director General Mr Seleke. So that is on page 15 1089 where Mr Koko explained that the Yahoo address has been tampered and
10 that have been discontinued and Ms Mazzone then puts to him:

“Let me tell you, when it was active, a few interesting, may disturbing things happened, on 4 November 2015 and email left Matshela Koko and it went to the DG of Public Enterprises.”

CHAIRPERSON: Mr Barrie, I am sorry to interrupt you. What is the purpose or the ...[intervenes]

MR BARRIE SC: Well, the purpose is – well, let me just cut to the chase then, at the foot of that page Mr Koko was
20 asked about an address WDRSA and his respond was – and it was not really a question, I said I have never sent an email to the DG David Seleke, I have never done that.

CHAIRPERSON: Yes but what is the purpose of whatever point you want to make or what ...[intervenes]

MR BARRIE SC: It then goes on:

“Ms Mazzone: Did you ever send an email to wrap this up ...[intervenes]

CHAIRPERSON: Hang on, Mr Barrie, Mr Barrie, Mr Seleke is in the middle of questioning Mr Koko. He put a certain question answered. I put certain questions, Mr Koko answered. Now ...[intervenes]

MR BARRIE SC: May I just suggest to you, Chairman.

CHAIRPERSON: Yes.

MR BARRIE SC: I did not – Mr Koko during all that
10 questioning, he did not confirm that he ever sent anything to Businessman.

CHAIRPERSON: Well, you can ask that in re-examination to clarify, is it not?

MR BARRIE SC: But what the point that – the point that is at issue, my learned friend pointed me to email addresses, emails from Mr Koko that went to Info Portal.

CHAIRPERSON: You will ...[intervenes]

MR BARRIE SC: But there is still no ...[intervenes]

CHAIRPERSON: You will clarify if you wish to clarify, Mr
20 Barrie, in re-examination.

MR BARRIE SC: Yes.

CHAIRPERSON: Okay?

MR BARRIE SC: Well, that is the purpose why I am addressing you at this stage ...[intervenes]

CHAIRPERSON: Yes, no, no, you ...[intervenes]

MR BARRIE SC: Because there seems to be a misunderstanding regarding the emails that were sent by Mr Koko.

CHAIRPERSON: Yes.

MR BARRIE SC: Because he did not send any emails to Businessman.

CHAIRPERSON: Well ...[intervenes]

MR BARRIE SC: On the document that my learned friends have available or that are available to you in the bundle.

10 **CHAIRPERSON:** Let us continue. Mr Seleka, continue.

ADV SELEKA SC: Thank you, Chairperson. Chair, what we have done previously when Mr Koko was here, we have taken him through the emails exchanged by him with Info Portal. Those emails – and I will quickly just run through them, you will find them in Eskom bundle '18, Chairperson, I think it is (A) at page 1032.

CHAIRPERSON: Yes?

20 **ADV SELEKA SC:** Page 1032. Now that is on the 20 July 2015. Chairperson, that is a significant date because that is a date when Mr Koko returns from suspension. So there is no confusion about Info Portal and Businessman because last time we were able to establish that the email address belongs to Businessman, just like it is being explained by Ms Mazzone in that exchange with Mr Koko that when I sent an email my alias name is Tasha. So you

will see my name as opposed to my exact email address and this is what you see here. The first one is this email on page 1032. That's from Mr Matshela Koko, Monday 20 July 2015 at 7.57 in the morning. It is addressed to InforPortal1xoo.com, Top Engineers 2. And those emails, Chair, a couple of them on the day so there is an email and then the attachment to the email on the next page, then there is an email on page 10.35, also from Mr Koko, Monday 20 July 2015 at 8.01 addressed to InfoPortal.esco
10 ResolutionPDF. Findes12. Then you have the resolution following on the next pages.

And then on page 1056. 1056 is an email again from Mr Koko on Saturday, 8 August 2015 at 22.20, twenty past ten, to Info Portal. The subject is Online Vending PDF and it says:

“We did not finish our discussions about this transaction, this is what is going to board of 18 August.”

And the attachments follow. Then there is another email,
20 Chair, on page 1075. This is one is from Mr Koko on Monday 21 September 2015 at 16.32 to Info Portal, the subject is “Re”. The attachment ...[intervenes]

CHAIRPERSON: Did you say page 1065?

ADV SELEKA SC: 1075.

CHAIRPERSON: 1075

ADV SELEKA SC: 1075. We traversed these emails last time when Mr Koko was here. 1075, from Mr Koko on Monday 21 September 2015, 16.32. The subject is just “Re” and it has an attachment of an intention to suspend Mr Petla. Another email on ...[intervenes]

CHAIRPERSON: I am sorry, is the attachment the letter on page 1076?

ADV SELEKA SC: 1076, that is correct, Chair, which has Mr Matshela Koko at the end of it, the Group Executive
10 Technology and Commercial. Then page 1078. Another email from Mr Koko to Info Portal, Wednesday 13 September 2015 at 14.42. Again the subject is just “Re”, when you turn the page, Chairperson, is that letter on page 1079 which is Dr Ngubane’s letter to Minister Brown. On page 1080 ...[intervenes]

CHAIRPERSON: Is the letter at page 1079 an attachment to the email at page 1078?

ADV SELEKA SC: Yes, Chair. Then on page 1080 is another email from Mr Koko on Saturday 14 November
20 ...[intervenes]

CHAIRPERSON: On what page?

ADV SELEKA SC: 1080.

CHAIRPERSON: Yes, okay.

ADV SELEKA SC: The next page. On Saturday, 14 November 2015 to Info Portal. It’s just “Re” there’s no

message and what is attached to that email follows on the next pages, Electricity Load Shedding Review and Way Forward. There is another email on page 1084.

CHAIRPERSON: On page 10...?

ADV SELEKA SC: 1084. From Mr Koko, 25 November 2015 to Info Portal and the message is just:

“Give the boss please.”

And the attachment follows, Chair, on the next pages 1085, 1086. Then on page 1087 is this email we have referred to
10 before and it comes from Businessman dated 10 December 2015, it is addressed to Mr Koko@Matshela2010 and the two pager with regard to the guarantee. That email which Mr Koko forwards to Ms Suzanne Daniels. Then, Chair, turn to – then on page 1088, the middle of the page is an email from Businessman, and you see the email address, InfoPortal1@zoho.com. Now you see who is Info Portal and it is addressed to Matshela Koko 2010. It is a one visa for travel. This is on the 3 January 2016 and with that string of emails, Chair, we have established last time when
20 Mr Koko was here that Info Portal email address belongs to Businessman.

CHAIRPERSON: Yes.

ADV SELEKA SC: The question has been whether Businessman is Salim Essa and that is what Mr Koko was trying to explain to you earlier.

CHAIRPERSON: Yes, I seem to remember that on one of the previous occasions when Mr Koko was giving evidence that he said he understood that when he sent emails using this Info Portal address he was sending it to Dr Ngubane and that he was associating this Businessman to be Dr Ngubane.

ADV SELEKA SC: Correct, Chair.

CHAIRPERSON: I think that was certainly my understanding of the effect of his evidence.

10 **ADV SELEKA SC:** That is the evidence that emerged last time.

CHAIRPERSON: Ja, ja. Yes, Mr Koko, do you want to say anything about my understanding?

MR KOKO: Chair ,the Info Portal email address belongs to Mr Ngubane and that is what I have been saying all along.

CHAIRPERSON: Did you not say that you accepted or understood that the Info Portal address was associated with Businessman and that Businessman was Dr Ngubane?

20 **MR KOKO:** No, Chair. Info Portal address is Dr Ngubane. It is no doubt that the Info Portal address in the public space is associated with the Businessman. It is not [inaudible – speaking simultaneously]

CHAIRPERSON: Yes, yes. But in terms of your understanding ...[intervenes]

MR KOKO: My understanding, the Info Portal address is Dr Ngubane.

CHAIRPERSON: Yes, I think it may be necessary to go back and check the transcripts in terms of ...[intervenes]

MR KOKO: Yes.

CHAIRPERSON: Because my understanding was that it was clear from Mr Koko's evidence and maybe it was not clear and that is why it is necessary to check that he knew the Info Portal email address to be associated with
10 Businessman and Dr Ngubane being the owner of the email address.

MR KOKO: Chair, there is no doubt.

CHAIRPERSON: Ja.

MR KOKO: Based on the evidence that has been led.

CHAIRPERSON: Yes.

MR KOKO: That Businessman is linked to the Info Portal address, there is no doubt about that.

CHAIRPERSON: Ja, ja, ja, ja, ja, ja.

MR KOKO: Based on the evidence that has been.

20 **CHAIRPERSON:** That has been led, ja.

MR KOKO: Yes.

CHAIRPERSON: Ja, ja.

MR KOKO: But you will not be correct to say when I was sending the Info Portal address I was sending to the Businessman at the time.

CHAIRPERSON: Yes, okay. So I think that needs to be checked in terms of the transcript but you may have your own understanding, it is important to know exactly ...[intervenes]

MR KOKO: You will not be correct to say ...[intervenes]

CHAIRPERSON: You understood.

MR KOKO: I understood when I was sending the email to the Info Portal address I was sending to Businessman. That will not be correct. Based on the evidence that has
10 been led now, it is clear that it is linked to businessman but you can say the same that when I was sending the emails, these emails that we have been taken through, I was sending to the Businessman.

CHAIRPERSON: Ja.

MR KOKO: You cannot say.

CHAIRPERSON: Mr Seleka?

ADV SELEKA SC: Chair ...[intervenes]

CHAIRPERSON: I think your junior could in the meantime be checking from previous evidence.

20 **ADV SELEKA SC:** Yes, yes.

CHAIRPERSON: Okay.

ADV SELEKA SC: .The way I understand, Mr Koko, what he is saying is although he accepts Info Portal is associated with Businessman or it is Businessman or it is Businessman's email address. That was not his

understanding.

CHAIRPERSON: At the time.

ADV SELEKA SC: At the time ...[intervenes]

CHAIRPERSON: Ja, that is what he says.

ADV SELEKA SC: That when he sends emails to Info Portal he is sending them to Businessman. I think I understand what you are saying.

MR KOKO: You are right.

ADV SELEKA SC: .Ja.

10 **MR KOKO:** You are right.

ADV SELEKA SC: So we separate your understanding at the time on the actual name behind the email address. So I ...[intervenes]

CHAIRPERSON: Yes but what needs to be checked is the evidence that he gave previously.

ADV SELEKA SC: Yes.

CHAIRPERSON: Which I may have I misunderstood to mean, according to him, I may have I misunderstood to mean he understood that Info Portal belongs to

20 Businessman.

ADV SELEKA SC: Businessman.

CHAIRPERSON: Who he understood to be Dr Ngubane.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: That is what needs to be checked because he is saying ...[intervenes]

ADV SELEKA SC: I see.

CHAIRPERSON: ...at that time I did not understand Dr Ngubane to Businessman.

MR KOKO: Oh certainly, Chair, that is for sure.

CHAIRPERSON: Yes, ja.

MR KOKO: At the time I was sending the emails through I did not understand Dr Ngubane to be Businessman.

ADV SELEKA SC: .Ja.

CHAIRPERSON: Ja.

10 **MR KOKO:** But based on the evidence that is led, I have come to understand.

CHAIRPERSON: You accept now.

MR KOKO: That Info Portal is linked to Businessman.

CHAIRPERSON: Ja.

MR KOKO: But we cannot say that was the case in 2015 when I was sending this, you cannot.

CHAIRPERSON: Yes, Okay. So maybe it might be important to ask the question was it only as a result of the evidence that has been led in the Commission that you
20 have come to accept that Businessman was definitely associated the Info Portal address or long before the Commission led evidence you had come to accept that?

MR KOKO: Chairman, a lot of evidence that has been presented here was in the newspapers.

CHAIRPERSON: Yes, yes, yes.

MR KOKO: All that I am saying is, the information that was in the newspapers and the information that was led here were not to my knowledge at the time when I was sending the email.

CHAIRPERSON: Ja, okay.

MR KOKO: What I was sending my email ...[intervenes]

CHAIRPERSON: I take your answer to be already before the evidence was led here from what you read in the newspapers or heard in the media ...[intervenes]

10 **MR KOKO:** Correct.

CHAIRPERSON: You accepted that Businessman was behind Info Portal email address.

MR KOKO: Correct, correct.

CHAIRPERSON: Okay.

ADV SELEKA SC: Yes, thank you, Chair. Because, Mr Koko, that is very clear from page 1088, the one of 3 January 2016 where Businessman Info Portal is sending you an email ...[intervenes]

CHAIRPERSON: I am sorry, page 1088 of bundle 18?

20 **ADV SELEKA SC:** Yes, Eskom bundle 18 where we were going through those emails, Chair.

CHAIRPERSON: 1088, ja. I am there, ja.

ADV SELEKA SC: That it is very clear from that email Businessman has this address Info Portal and he sent you an email at your private Yahoo email address and he sends

one visa for travel, forward, forward. So this email must be coming from somewhere, I think from the travel agent, Sajieda Mayeta(?) and it is being forwarded to you, three times Koko family visa.

MR KOKO: Chair, it is not clear, it is not clear.

ADV SELEKA SC: .Okay, we will go to the travel agent's ...[intervenenes]

CHAIRPERSON: Okay, I want to make sure what it is that Mr Koko says is not clear. What does appear to be clear
10 on this email is that it says from Businessman and next to Businessman the email address given is Info Portal – is the Info Portal address that you have been talking about.

MR KOKO: Yes.

CHAIRPERSON: So I do not know whether this is the question that Mr Seleka has in mind but my question is anyone reading this email would see that whoever presents himself or herself as Businessman is the person from whom the email comes and he or she is using this Info Portal address.

20 **MR KOKO:** Chairman, that is a reasonable take when you read the detail. When I received this I was waiting for the visas and when I received it, I opened – I did not pay attention to detail and read Businessman. I did not recall and the difficulty that I am experiencing now is that because we are going through this process, you are

looking into a fine comb but human behaviour does not work that way. Depending on the subject you are dealing with you get observant or get you want you want. What I wanted from this email was my visas and I got my visas and I sent them to the receptionist to go print. That is all.

CHAIRPERSON: At that time did you still understand the Info Portal address to be Dr Ngubane's email address?

MR KOKO: Yes, I mean, this is quite interesting because before I received this email I called Suzanne because I
10 asked her to arrange the visas for me and I was getting desperate because I was running out of time and I text her, I think I also text her. And then she says to me do not worry, your visas are coming, give them couple of minutes and couple minutes they came boom, voila, that is what made me happy.

CHAIRPERSON: But am I - do you accept that it would seem that the visas or Businessman had something to do with the three Koko family visas, whoever the Businessman is.

20 **MR KOKO:** Right now?

CHAIRPERSON: Ja, right now. Right now, yes. You accept, ja.

MR KOKO: Yes, yes.

CHAIRPERSON: And you have accepted that Businessman was not Dr Ngubane.

MR KOKO: Yes.

CHAIRPERSON: Yes. What is your understanding of who Businessman was that was having something to do with your family visas?

MR KOKO: Chair, remember that my arrangement with my family was done with Suzanne.

CHAIRPERSON: Your arrangement with?

MR KOKO: With my family visas was done with Suzanne.

CHAIRPERSON: Ja, yes.

10 **MR KOKO:** So all my communications was done with Suzanne and when I received and when she contacted me to say they are coming and they came, she had done what I asked her to do, the other issue – in fact that part I asked her when I came back, how did you get Dr Ngubane to arrange my visas? It is unusual because I expected to get the email from her, not from the email that I know belongs to Dr Ngubane and her answer was it was convenient. That is what her answer but my visas arrangement had nothing to no one else except Suzanne, that is the person
20 who dealt with it for me.

CHAIRPERSON: When she said it was convenient, what did you understand her to be saying really, what was convenient about Dr Ngubane getting involved in your family visas? I am trying to see whether the answer she gave you made sense to you.

MR KOKO: It did not make sense to me and I told her then. I said but, does it not make sense? Convenient for what?

CHAIRPERSON: And what was her response to that?

MR KOKO: Chair, we did not progress that discussion.

CHAIRPERSON: Yes.

MR KOKO: But I remember telling her but it just does not make sense, Suzanne, but I did not have the presence of mind that something untoward is happening to
10 identification 24.24 because, Chairman, what you also must realise, at this stage Suzanne and I was very close. Suzanne and I were in a very professional relationship. You know, we – I would not say we were friends, we would never visit each other over the weekend. We would never ...[intervenes]

CHAIRPERSON: But you were close professionally.

MR KOKO: But professionally we were very close and I trust her professionally. She – I had worked with her for not more than a year but she was first recommended by Mr
20 Marokane and she has proved to be competent. So I tend to trust her but because she was in my office, she was my senior manager in the office. I would ask her in fact she would call herself the chief of staff, in her office, that how she introduced herself to – I will ask her to do some, you know, book me this, book me that, do this for me, and she

will do it. So I did not push her but I did find it to be odd.

CHAIRPERSON: Because you would accept, I guess, that Chairman of the board of Eskom should have nothing to do with your arrangements for your family visit, the visas.

MR KOKO: That is why I asked her.

CHAIRPERSON: Yes, yes, yes.

MR KOKO: That is why I asked her but when I expected – I expected an email but that is when I came back, not when I was still there.

10 **CHAIRPERSON:** Ja. Yes. Oh, you did not ask her then.

MR KOKO: No, no, no, no, I did not ask her then.

CHAIRPERSON: Yes, yes.

MR KOKO: But I – I did not ask her then, by that time I was in a panic mode because I wanted to move on but when I came back, I thanked her for doing what I asked her to do but I asked her but why did Dr Ngubane send me my visa when it does not make sense?

CHAIRPERSON: So let me establish this, asking her why did Dr Ngubane not get involved in my family visas, was
20 that after you had come back from whatever trip or was it before?

MR KOKO: No, no, after I came back.

CHAIRPERSON: After?

MR KOKO: After, yes.

CHAIRPERSON: Oh and that is when she said to you it

was convenient.

MR KOKO: Yes.

CHAIRPERSON: Yes but then you did not take it further.

MR KOKO: But I did tell her that it does not sound – it sounds odd.

CHAIRPERSON: It is odd, ja.

MR KOKO: But I did not take it further.

CHAIRPERSON: I would expected you to want to get to the bottom of these kind of things because she gets the
10 Chairperson of the board involved in something very I think private, your family, travelling with your family and you had not asked her to ask Dr Ngubane to be involved in that, she gives you an answer that does not make sense. I would have expected you to deal with it, get to the bottom of it because it does not make sense.

MR KOKO: Chair, that is when you assume that something untoward is happening, I did not suspect that there was something untoward happening.

CHAIRPERSON: What had you asked her to do connected
20 with your family visas?

MR KOKO: I have her copies of my – I gave her my tickets and copies of my ID and I said to her I am off to Indonesia, my son in particular wants to do shopping in Dubai, we have not booked for Dubai but on our way back instead of going through Dhuhr back to South Africa, if you

can arrange my visa for me because I just do not have the time, my Dubai visa, then please do so and confirm my – here are my tickets, change my tickets as well, then if it happens on time and we get our visas through Dubai, we go through Dubai, otherwise we will come back through Dhuhr and she did that, she actually got my visa sorted, I think I paid R5 000 for that, that was the price for ...[intervenes]

CHAIRPERSON: Paying who?

10 **MR KOKO:** Suzanne. I think that was the cost of the visa. That was the cost for the visas, yes.

CHAIRPERSON: Yes.

MR KOKO: It was around 5 000. And then she got my tickets sorted out and then we went through Dubai.

CHAIRPERSON: Well, I am sure Mr Seleka has some questions around this issue but before he might deal with it or whatever he might still be wanting to deal with other issues, I want to go back to the question of your understanding that the Info Portal address was Dr
20 Ngubane's address. If I recall correctly – oh sorry?

ADV SELEKA SC: I have the exchange from the evidence of Mr Koko previously, Chair.

CHAIRPERSON: Okay, okay.

ADV SELEKA SC: Shall I read that?

CHAIRPERSON: Ja, ja.

ADV SELEKA SC: Because I think it is important. So you say Chair so ...[intervenes]

CHAIRPERSON: I am sorry are you able to say what day it was or whatever, you know the transcript sometimes say day 117 or something.

ADV SELEKA SC: Ja, I will have – which page am I on here.

CHAIRPERSON: Or give whatever reference that will enable somebody to go to the same document later on.

10 **ADV SELEKA SC:** Well the date is the 12th of January 2021.

CHAIRPERSON: Okay, alright.

ADV SELEKA SC: And the page number of the transcript is page 226, and I am reading against line – just above line 10, the Chairperson is talking.

20 “So then what, the question that arises in my mind is that why this would not have made you say but the Chairman cannot be talking about this thing, what is going on, who is this Businessman, because the Chairman cannot be talking.”

Then Mr Koko intervenes and says:

“Chairman responding to you, I knew who is the Businessman.”

You say “yes” and he says:

“It was the Chairman.”

CHAIRPERSON: Yes, okay.

ADV SELEKA SC: So I think Chair you are; your recollection was correct.

CHAIRPERSON: H'm, yes.

MR KOKO: But Chair remember my evidence I am saying to you, is that at that point, when I was sending, I did not know that the info portal is associated to the Businessman. I have come to know after.

CHAIRPERSON: After I when?

10 **MR KOKO:** Chairman, I just said to you by the bid up to this Commission, if you read the newspapers, you will see that the info portal is linked to the Businessman but that is if you meet, it does not matter - you do not have to do, if you Google it you will find it an extensively that has been led, here. But at the time 2015 the part that I knew of it is info portal, but you would be correct to say, at that point when I was sending it, I was sending to Businessman, I did not know.

CHAIRPERSON: I thought I thought the passage that Mr
20 Seleka read, included an answer from you, and he is going to read it again, that says you knew pass tense, Mr Seleka.

MR KOKO: No Chair.

CHAIRPERSON: Mr Seleka do you want to read it.

MR KOKO: Chair, I have listened to him and I did not misunderstand him, I think what you heard is right, all what

I am saying what I meant, and I may have used Businessman as an unfortunate term there, but from where I am standing, and from what I understood at the time, I knew of him for portal address. And that is why if you look at my emails, all of them are not - there is none of them that says Businessman, none of them, and the one that came to be Businessman came in January.

The one that we are talking about...[intervene]

CHAIRPERSON: And January 20?

10 **MR KOKO:** January 2016, so you cannot say between July 2015 and the 3rd of January, there was any concept of a Businessman, it was never there in writing or anywhere, it was never ever there.

CHAIRPERSON: Yes, but I just want us to be on the same page. Do you accept that the passage that Mr Seleka read, reflected that you said you knew and the reference being you knew at some stage during the time of the sending of the emails as to whether 2016 or whatever we can look, but are we on the same page that the answer that
20 Mr Seleka read was to the effect that you knew at whatever time the context will reveal that info portal belonged to a Businessman.

MR KOKO: Chair, that is what he says but let us look at the evidence please, Chair let us look at the evidence.

CHAIRPERSON: Ja.

MR KOKO: You can only know that the email belongs to Chief Justice Zondo when you see it, to the DCJ Zondo when you see it.

CHAIRPERSON: Yes.

MR KOKO: You can only say then, I challenge Mr Seleka to take you through the emails from info portal from 2020, from 20 July which is the very first time I started using it, 20 July, until the 3rd of January. You will to never find Businessman, you never will.

10 So I could not have known as Businessman because that concept did not exist, it did not exist at all, so you cannot say it belonged to Businessmen when there was no Businessman at that time.

CHAIRPERSON: Yes, you see the good thing, I think, is that we are on the same page as to what the transcript reflects there. But what I think what you are seeking to do is to say, in effect, well I may have said that, but because it was nowhere in writing until January 2016, I think it is.

MR KOKO: Yes.

20 **CHAIRPERSON:** You cannot say I knew.

MR KOKO: You cannot.

CHAIRPERSON: That is what you are saying.

MR KOKO: You cannot if you go one by one.

CHAIRPERSON: Of course you could have known even though it may not have been written...[intervene]

MR KOKO: How?

CHAIRPERSON: If you were in touch with Businessman in some other way, talking to them telephonically or even meeting them, but in emails not writing it.

MR KOKO: I have never met this Businessman.

CHAIRPERSON: Yes, but I am not saying that, I am not saying you did. I am simply saying another way in which you could have the knowledge that Businessman is behind info portal address is if there was other communications.

10 **MR KOKO:** Yes, but Chair I am clarifying there was nothing.

CHAIRPERSON: No, no I - you are talking about what as far as you are concerned is a fact.

MR KOKO: Yes.

CHAIRPERSON: Do you remember you asked me how, so I was just pointing out that another possibility of gaining that knowledge would be this one, but you are saying you did not as a matter of fact.

MR KOKO: I did not.

20 **CHAIRPERSON:** Yes, okay.

MR KOKO: And Chair I am going to say this, again Mr Seleka has done that, they are about I do not know how many emails, about 8,10,12?

CHAIRPERSON: It is quite a number of them.

MR KOKO: Ja, and they start from 20 July 2015, the only

time a Businessman arrives is on the 3rd of January.

CHAIRPERSON: Ja.

MR KOKO: So I could not have said this info portal is Businessman.

CHAIRPERSON: Yes, but we are going back now, Mr Koko. We - I think I accept that except for one of the emails to which Mr Seleka referred all the others do not seem to have any reference to Businessman.

ADV BARRIE SC: Chairman, I am weary to interrupt but
10 you must just remember where this whole train of questioning started it starts with the witness's response to the question in Parliament from Ms Mazzone. Did you send an email to Businessman and the answer we know.

CHAIRPERSON: Ja.

ADV BARRIE SC: That is the issue my learned friend may or may not suggest that that use that to attack the witness's credibility. Question then was when he said I have never sent an email to Businessman, was he telling the truth? Was he being truthful? So that is the real issue
20 that we essentially now spending time on.

CHAIRPERSON: Ja, I was making the point that my recollection is that out of a number of emails that Mr Seleka referred to us to only the one that refers to Businessman.

ADV SELEKA SC: Not, no Chair.

CHAIRPERSON: Not, it is not true, how many?

ADV SELEKA SC: There is another one is page...[intervene]

CHAIRPERSON: There is another one?

ADV SELEKA SC: Page 1087.

CHAIRPERSON: 1087.

ADV SELEKA SC: Which is in December 2015. The email was from Businessman about the two page of a guarantee.

10 **CHAIRPERSON:** Oh, yes okay, that was December 2015.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: So there are two, is that right?

ADV SELEKA SC: Ja, at least two.

CHAIRPERSON: Okay, alright, at least two okay. So, that part is factual, okay. So the question that the transcript resolved is what Mr Koko said about knowing what Businessman, who Businessman was or the association of Businessman with the info portal address.

ADV SELEKA SC: Yes.

20 **CHAIRPERSON:** Ja, that the transcript resolves that part and Mr Koko and I understand that but what Mr Koko has sought to say afterwards, as I understand him is to say, because in many of the emails, to which you referred us Mr Seleka there is no reference to Businessman he could not have known that Businessman was behind the info portal

address. Of course whether that is reasoning is correct is something else, but that is the point he makes.

ADV SELEKA SC: Exactly.

CHAIRPERSON: Ja, okay.

ADV SELEKA SC: And Chair might I point out that the context under which you were seeking clarity even at that stage.

CHAIRPERSON: Yes.

ADV SELEKA SC: It was in regard to this email of
10 December 2015.

CHAIRPERSON: Yes.

ADV SELEKA SC: Where Businessman sends the terms of what would be the guarantee and the underlying agreement, and my question to Mr Koko on that very transcript of 12th January 2021, it is page 225 because I read from 226 I said, and the Chairman was here, who testified he knew nothing about this guarantee. They converting the R1.6billion pre-payment guarantee.

20 The Board said they know nothing, Dr Ngubane says the same. So how would that email have come from the Chairperson to Mr Koko when the Chair said I know nothing about the guarantee, that was the question. And that is how then you Chairperson wanted to know, but who is this Businessman. So Mr Koko said he understood him to be Dr Ngubane, that is way back in December 2015.

CHAIRPERSON: No, no, that is fine. So am I right, Mr Koko to say what you are saying is that despite – or part of what you are saying is that despite the fact that you got two emails, at least from Businessman, one being the one at page 1087 of Eskom bundle 18 that is the two pager. The one where the subject is two pager, and the one on page 1088 of the same bundle. Are you saying that despite having received these emails from Businessman you did not think that Businessman was Dr Ngubane?

10 **MR KOKO:** No Chair, I never associated Businessman with Dr Ngubane, never did.

CHAIRPERSON: Yes.

MR KOKO: I never did.

CHAIRPERSON: Despite the fact that you were receiving emails that were from the email address that you said you had been told was Dr Ngubane's private email address.

MR KOKO: Yes, Chair and both emails and I have given the context it and both - one has got the guarantee, all that I looked at was the content and then info portal addresses,
20 I said this is the Chairman and I forwarded it to Suzanne.

And the second one had to do with Suzanne as well. At no stage did I internalise that Businessman – in fact what attracted me was info portal address you cannot miss it. So when I see info portal address I see the Chairman, Businessman not at all.

CHAIRPERSON: Despite the fact that in these two emails Businessman is written there.

MR KOKO: Yes Chair and that is two of the - how many address there is two of the many, you know if it was visa versa then I will understand, but it is two of the 12 or two of the 15, I do not remember. I did not do that despite the two, yes.

CHAIRPERSON: And am I correct to say the explanation that you were giving, a few minutes ago when you and I
10 were having an engagement on the issue of what you knew about Businessman in 2015 and so on. It seems to me that the effect of the explanation you are giving is to say I take note of the fact that the transcript reflects that I said, I knew this is a Businessman to be Dr Ngubane despite the fact that the transcript reflects that.

I am saying I was not; I did not know or I could not have known because of the fact that a number of the emails that related to this email address did not have the name Businessman.

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

CHAIRPERSON: Okay, alright Mr Seleka.

ADV SELEKA SC: Yes, thank you Chair. So Chair, you will recall that...[intervene]

CHAIRPERSON: Maybe I should just ask this question, I am sorry Mr Seleka please do not forget the question that

you want to put to Mr Koko, so that I can just complete at least the picture. I understood you to say, Mr Koko, that these emails that you believe in 2015 and 2016, you believed you were sending to Dr Ngubane using the info portal address, would go to or would be opened by Ms Daniels, is that is that correct, is that what you said or am I – did I misunderstand?

MR KOKO: Chair my expectation is that the way Eskom works, Dr Ngubane will open it himself, and the assistant
10 will open it to.

CHAIRPERSON: Oh, sometimes it would be the assistant, sometimes it would be...[intervene]

MR KOKO: Yes.

CHAIRPERSON: Okay, alright and I understood you to also say, pursuant to such emails, you sometimes had meetings that involved yourself, Ms Daniels and Dr Ngubane to discuss the issues in the emails, is that right?

MR KOKO: Chair it is not sometimes.

CHAIRPERSON: Ja.

20 **MR KOKO:** It is not sometimes, the documents that I sent on info portal now I am careful how I am communicating now because it is easier to say Businessman, my information that I sent to info portal were information that I thought in my view, if I do not discuss with the Chairman may lead to conflict down the line.

So, when I sent the document I would insist that we meet Dr Ngubane and I explained to him why I wanted to meet him, and you will see sometimes I will discuss with Suzanne and say Suzanne with this document, we need to meet the Chairman I will send it to you. And when I said it I say pin this to that because I would have discussed it with him and in this case, I would know who is going to open it because I discussed it with him, with her I apologise. So there is no document that I can recall that I sent on the info portal address that Suzanne, Ms Daniels and Dr Ngubane and I have not discussed.

CHAIRPERSON: Yes, now even that it must be so that on your version Dr Ngubane would have seen these emails that you sent to this info portal email address many times, is that right?

MR KOKO: It is my expectations, sir.

CHAIRPERSON: Yes, now let us go beyond the expectation. When you actually had these meetings involving Dr Ngubane and Ms Daniels, to discuss issues that were dealt with in these emails. Obviously, he would not participate in those discussions without knowing about this email address, this emails that you sent to the info portal address, which you thought were going to him.

MR KOKO: That is correct.

CHAIRPERSON: Yes, now, you did not, did he - because

here in the Commission he, if I recall correctly, said that his understanding was that this info portal address was for Mr Richard Seleke, it was pointed out to him that at the time when some of the emails came to Eskom from this info portal address. Mr Seleke was not the DG of the Department of Public enterprises as yet and my recollection that his answer was that was the understanding which he said he got from Ms Daniels, he accepted that Mr Seleke only became DG of Public
10 Enterprises.

MR KOKO: I remember that, Chair I know what you are talking about.

CHAIRPERSON: Yes, now it seems to me having regard to what he said about this info portal address, that there is no way his going to say he is aware, or he received emails that came from you under this info portal address and came to him that you even sit down and just asked because he would have told you that no, I have got nothing to do with this email address. What you think comes from me
20 does not come from me.

MR KOKO: Except Chair, every time we went into his office, the documents were already printed and there will be a copy for me, there will be a copy for Ms Daniels and the will be a copy for Dr Ngubane.

And that is what made me so confident that the

documents I am sending to info portal reaches Dr Ngubane because he had the documents, how did they end up there?

CHAIRPERSON: But are you also saying that the discussions that you had with him and Ms Daniels when you were discussing these, the issues covered by these emails were such that he was discussing on the basis that these emails that came to you from info portal were from him and that he received these emails that were from you
10 to info portal a discussion, because when you have sent an email or letter to somebody and you subsequently have a discussion on the subject of the email or letter, you can tell if sometimes that they do not know about the letter that I sent them and then you say but I sent you a letter where I explained this and they say I never received such a letter.

MR KOKO: Ja.

CHAIRPERSON: So you never had that kind of situation with him?

MR KOKO: So Chair, the way the way it works is that he
20 gets briefed before you come in, so by the time you come, he already knows what you are going to engage him on and his got a document in front of him. So how that was introduced to him I do not know but on many occasions in the meetings when we discussed, I have mentioned many times that I have emailed this document, this is from me to

you, I have emailed it to you.

CHAIRPERSON: And he never said, I never - this is not my email address?

MR KOKO: Well I have never said that I have sent it to you on this email address.

ADV BARRIE SC:

CHAIRPERSON: But of course, you would see the email address, is it not?

MR KOKO: No, they - what they do they print the
10 documents.

CHAIRPERSON: Ja.

MR KOKO: They print the documents and you interact with the document, but I would verbalise it that at these documents I have sent and his is what I want, and the reason I sent it this is what I want, I want to discuss it and then we will discuss, and then we will conclude and we will resolve.

CHAIRPERSON: And at no stage did he disassociate himself from this email address, disassociate in a sense of
20 saying, you know, this is not my email address.

MR KOKO: Chair, I have never discussed with Dr Ngubane and say...[intervene]

CHAIRPERSON: Is this your email address.

MR KOKO: Is this your email address.

CHAIRPERSON: Ja.

MR KOKO: I have never done that.

CHAIRPERSON: Ja, but the discussions...[intervene]

MR KOKO: All that I have done, all that I have done is to say Chair, I have sent you the documents. Have you received the documents? He says ja, these are the documents that Ms Daniels has given me, the discussions ended up there.

CHAIRPERSON: Okay, but of course, as you speak now, I think of what you first said.

10 **MR KOKO:** I hold a different view now.

CHAIRPERSON: Yes.

MR KOKO: I hold a...[intervene]

CHAIRPERSON: You, accept that these emails were therefore going to somebody else and not to Dr Ngubane.

MR KOKO: I hold a different view and if you ask me what that view is, I will tell you.

CHAIRPERSON: Yes, tell me.

MR KOKO: I think that that addresses is an info portal address and the description fits when well and different
20 people had access to it and Ms Daniels was one of them.

CHAIRPERSON: But you accepted I think you accepted previously that it was not Dr Ngubane, the email address did not belong to him and that you accept that now.

MR KOKO: Knowing what I know, I do not think so.

CHAIRPERSON: Yes.

MR KOKO: Knowing what I know I can resolve we were sold downhill; I think we sold down the Mississippi.

CHAIRPERSON: Yes, but then the question arises, knowing what you know, now one has got to say it was somebody else who was responding to you and not him and I think you accepted that, it was somebody else outside of Eskom.

MR KOKO: Ja, most certainly.

CHAIRPERSON: Yes and the question again, is how
10 would emails that you thought you were sending to him but now we know were going to somebody else, how do they end up in these meetings with him on his desk...[intervene]

MR KOKO: And that is why I am convinced that Ms Daniels had access to the portal and I am very attached to their story of who the identity could be because there are many pointers.

CHAIRPERSON: Yes.

MR KOKO: You will remember that when we were suspended on the 10th of March 2015.

20 **CHAIRPERSON:** On the 11th, on the 11th of March.

MR KOKO: On the 11th of March 2015. The day before this evidence before you that our suspension letters four of them were written by Suzanne Daniels and modified by Salim Essa, were written by Ms Daniels and modified by Mr Essa.

What more proof do you need of the content Mr Seleka asked Ms Daniels did Mr Essa asked you, she said no. There is no any other evidence that can conclusively show you a contact between Ms Daniels and Mr Essa.

CHAIRPERSON: H'm.

MR KOKO: Mr Seleka says to me the last time I was here.

CHAIRPERSON: H'm.

MR KOKO: It was established that the probability it is Mr Essa.

10 **CHAIRPERSON:** Hm.

MR KOKO: In the disciplinary hearing of Mr – Ms Suzanne Daniels.

CHAIRPERSON: Hm.

MR KOKO: And I have gone through the documents of Ms Suzanne Daniels' disciplinary hearing and I got them from the commission and there is an expert witness there and the word they use if probability but she – he says he relies on the properties of the attached documents 00:00:40. So if – if you have to rely on the properties of the attached document
20 to get to a conclusion that it is most probably Salim Essa it suffices to say the link between Mr Essa and Ms Daniels is – is giving an obvious based on the suspension letters of the 10th of March 2011- 2015.

CHAIRPERSON: Hm.

MR KOKO: Because they are there. You know I have – I

have noticed how quickly Mr Seleka ran to look for emails – the two emails that he told me he gave you about the private email address of Dr Ngubane. He was very quick. I mean until today Mr Seleka has not told you the authenticity of those further tests that were written by Ms Suzanne Daniels and – and...

CHAIRPERSON: Well I can tell you that he is busy trying to get an expert to look into the issue of those letters so it is not something he is not pursuing; he is pursuing I know that
10 he is.

MR KOKO: I wish he could have done it as quickly as he has done the other two.

CHAIRPERSON: But...

MR KOKO: I mean he is taking ages and I think – I...

CHAIRPERSON: He is looking into that.

MR KOKO: And I tell you – I tell you how I feel.

CHAIRPERSON: Hang on. Hang on. He is looking into it because I am interested in it too. I am interested in – in that evidence because it might be very critical. Okay alright.

20 **ADV SELEKA SC:** Yes.

CHAIRPERSON: Okay I wanted to say this. On the face of it what I think one can conclude from the concessions you have made with regard to what appears to be – who appears to have been behind this infoportal address namely it appears that it was Mr Salim Essa. If that is so it would

follow would it not that therefore those emails that you got from this infoportal address that were coming to you as opposed to those that were sending must have been coming from him.

MR KOKO: Chair all what I can tell you is that where I am even regards to the evidence that has been led I am relatively convinced that it is an external party.

CHAIRPERSON: Just say that again.

MR KOKO: I am relatively convinced that it is an external party. Chair I –

CHAIRPERSON: Your voice goes down.

MR KOKO: I – I am saying having regard to the evidence that was led I am much more than convinced that the – those emails came from an external party. Has it – did it come from Salim Essa I –

CHAIRPERSON: You are not sure.

MR KOKO: I cannot – I cannot explain.

CHAIRPERSON: Yes, ja.

MR KOKO: But what I can tell you now ...

20 **CHAIRPERSON:** It is external parties.

MR KOKO: It is an external party and this is – this is where in – from day 1 I have told you for me you may have interest in Salim Essa that is – that is you. My interest is that this is an external party.

CHAIRPERSON: Ja.

MR KOKO: Who should not be getting this thing. That is what angers me.

CHAIRPERSON: Yes, ja.

MR KOKO: I find myself being put in a position where Eskom documents through me ends up in the hands of third parties and that is what upsets me and that is what makes me angry.

CHAIRPERSON: Hm.

MR KOKO: I did not send Eskom information to a third
10 party. You know – I did not. I sent information to infoportal address that I thought belongs to Dr Ngubane. But I have listened to the evidence here and I am convinced now and I am reasonably convinced that I think Dr Ngubane was being abused and this is actually a third party email address.

CHAIRPERSON: Hm. Out of the emails that Mr Seleka referred us to there is an email – one of the emails you sent to infoportal which would mean it would be this external party whoever the external party was says – ja it is at Bundle – Eskom Bundle 18 page 1056. You say to the person to
20 whom you are sending this email “we did not finish our discussions about this transaction, this is what is going to board on 18 August”. Now you must have been speaking to the external party?

MR KOKO: Yes but let me tell you about that transaction.

CHAIRPERSON: Yes.

MR KOKO: We discussed – Dr Ngubane, Ms Daniels and I discussed that transaction and it is a transaction that we are going to back to because I think Mr Seleka is sending you the wrong way. The – the – that relates to a master vending transaction – 00:07:01. It became very sensitive issue after I was suspended. When I came back it was boiling and the storyline is this.

Eskom set a procurement strategy for mast – for vending. The procurement strategy was approved by the
10 board on the basis of which a bid specification committee sat and produced a specification.

The specification once was approved was sent to the market. The market tendered on the basis of that specification that was approved that was based on the board on the strategy that was approved by the board.

When I came back I was briefed by the – the person that was acting through me that there is a strategy change. The – the bid adjudication committee adjudicated the tenders. They have appointed ten suppliers to be appointed
20 but out of the blue there is a proposal from Blue Label to be a master vendor. So you appoint one vendor no longer ten vendors and the sweetener there is that Blue Label will pay Eskom in advance for twelve months.

That was completely wrong. You cannot do that and remember I was the Head of Procurement at the time. You

cannot say I 00:08:50 procurement strategy appointed – strategy approved the bid adjudication committee has made a – specifications it is approved; sent to the market. The bid adjudication has adjudicated; you have appointed ten suppliers then out of the blue because you probably do not like the outcome then you want to bring a master vendor and Blue Label – you bring Blue Label as a master vendor, no you cannot. By the way Blue Label was one of the then ten that was appointed.

10 It cost so much grievance in the business that I was not going to support it and I saw myself being suspended again if it came from the board. But – but to the – to the benefit – and this is why I respect Dr Ngubane; I really do. Once he is done with you and you put the facts on the table and he sees them he will not interfere with you and he did exactly that.

 And that transaction never happened; not in my time. I heard Mr – Ms Matepo saying it happened – it never happened in my time I can assure you.

20 **CHAIRPERSON:** Yes but remember my question is; you are writing here to the person that you under – you are writing to infoportal whoever the person is.

MR KOKO: Yes.

CHAIRPERSON: And you are referring to a discussion or discussions that you had had with that person.

MR KOKO: Yes.

CHAIRPERSON: On this transaction.

MR KOKO: Yes.

CHAIRPERSON: So I am – what I am putting to you is that even the concession you have made that with what we know now it could not have been Dr Ngubane who was using this email address it must have been an external party.

MR KOKO: I accept that.

CHAIRPERSON: Who – who – you accept that.

10 **MR KOKO**: I accept that.

CHAIRPERSON: So the question is who is this external party that you were having discussions with because you must have known who you were speaking to?

MR KOKO: No, no, no Chair I think you – you are – you are confusing.

CHAIRPERSON: Yes.

MR KOKO: At that point.

CHAIRPERSON: Ja this is August 2015.

20 **MR KOKO**: Ja at that point I was talking to infoportal and understood him to be Mr – Dr Ngubane – at that point.

CHAIRPERSON: Are you suggesting that you had this dis – this email address you understood – well this discussion you had it with Dr Ngubane?

MR KOKO: Yes that is what I am saying.

CHAIRPERSON: But even though – even though of course

you accept now that Dr Ngubane could not have been.

MR KOKO: No but that discussion I had with Dr Ngubane and Ms Daniels.

CHAIRPERSON: Yes.

MR KOKO: Look it is a follow up discussion.

CHAIRPERSON: Yes.

MR KOKO: That I am asking for.

CHAIRPERSON: Yes.

10 **MR KOKO:** Because the previous discussions we had we did not conclude and I did not want to go to the board and EXCO.

CHAIRPERSON: Yes.

MR KOKO: And having fighting with nagging.

CHAIRPERSON: Yes. So you insisted this discussion was with Dr Ngubane.

MR KOKO: Yes.

CHAIRPERSON: Yes.

MR KOKO: Yes.

CHAIRPERSON: Mr Seleka.

20 **MR KOKO:** Yes.

ADV SELEKA SC: Yes. Thank you Chair.

CHAIRPERSON: I may have taken you off completely your course feel free to go back.

ADV SELEKA SC: Yes, no.

CHAIRPERSON: To where you were and...

ADV SELEKA SC: No that is fine because there are questions arising from this now thank you.

CHAIRPERSON: Ja.

ADV SELEKA SC: We are being enlightened by you Mr Koko.

CHAIRPERSON: Yes.

ADV SELEKA SC: I understood your explanation referring the pre-suspension letters you say were authored or the metadata showing they were authored by Ms Daniels and
10 modified by Mr Salim Essa to be an indicator to you that Mr Salim Essa is behind the email address infoportal?

MR KOKO: No, no Chair.

ADV SELEKA SC: You are not...

MR KOKO: No Chair you cannot – you cannot conclude on the identity of the – of the owner of the infoportal address based on the foiled suspension letter. You cannot.

ADV SELEKA SC: Yes.

MR KOKO: Because those are – there is no email there.

ADV SELEKA SC: Yes that was...

20 **MR KOKO:** There is no email there. You cannot. What you can conclude you know on the document – on the suspension letters is going to the properties and you will find in the properties that the documents were saved first by Suzanne and edited by – they were saved first by Ms Daniels and edited by Salim Essa. That you can find.

CHAIRPERSON: Hm.

MR KOKO: Ms Daniels response to you was first she said you can doctor it and said Mr Koko doctored it. That was 00:14:10 but the point I am saying to you is if – if there is any evidence you want about the proximity of Ms Daniels and Mr Essa all what you have to do is to look at the properties of those documents then you will find that places Ms Daniels and Mr Essa together. On the other hand there are emails that I have conceded to you that it is an external party.

10 There are emails that the – Mr Seleka says on the basis of the disciplinary hearing from Eskom it is most likely Salim Essa and that we all do which I do not like to do is you connect the dots.

ADV SELEKA SC: Ja because I wanted to understand why you were referring to those pre-suspension letters, the author and the modifier in the context of infoportal because infoportal does not feature in those exchange.

MR KOKO: Ja but I am just explaining to you. I am saying.

ADV SELEKA SC: So...

20 **CHAIRPERSON:** Hang on Mr Koko let him finish.

MR KOKO: Yes.

ADV SELEKA SC: Ja so because the way you were answering the Chairperson you were saying you can make the conclusion and you suspect who it is and the Chairperson tell me who it is? And then you went to the

letters.

ADV SELEKA SC: Chair let me...

ADV SELEKA SC: But you – you do not need belabour it I think if you.

MR KOKO: No, no, no but I have to – have to say it again.

ADV SELEKA SC: No it is fine.

MR KOKO: If you do not understand me. There was a disciplinary hearing of Ms Daniels. This disciplinary hearing of Ms Daniels concluded two things. That Ms Daniels did
10 send emails to infoportal address.

2. On the – based on the probabilities this email address belongs to Mr Essa. That is one thing. It has got nothing to do with the documents.

Now I am saying to you if you want to know the proximity between Mr Essa and Ms Daniels look at these documents. These documents brings them together.

Right so now I know that Ms Daniels is associated with Mr Essa based on these documents. And if you then say out of the hearing the email is most likely from Mr Essa
20 then you can draw the conclusions. You can draw the conclusions.

ADV SELEKA SC: I see. Are you making that conclusion?

MR KOKO: Come again.

ADV SELEKA SC: Are you making that conclusion?

MR KOKO: No I am – I am – Chair I have made one

conclusion. The conclusion that I have made is that this email address is an external party. That is conclusion I can tell you I am..

CHAIRPERSON: Is cogent?

MR KOKO: It is cogent.

CHAIRPERSON: Hm.

MR KOKO: I have come a long way to accept that. Is it Mr Essa? Then going to the probability issue – we go into the probability issues I leave it to you. All that I am – all that I
10 am highlighting to you is when you make those probabilities do not forget the proximity of Mr Essa and Mr – and Ms Daniels based on those four documents.

ADV SELEKA SC: And the meeting on the 10th of March at Melrose Arch we will not forget it.

MR KOKO: It never happened. Mr Seleka can choose not to accept it. You know Chair my Counsel will give you telephone records. We have made noise about the telephone records and the reason we have made noise about the telephone records it is because part of the reasons we
20 have this commission was based on the telephone records of Mr Molefe and as analysed by Professor Thuli Madensela. And she made – she made a conclusion that Mr Molefe while we were busy with the transactions on many occasions was calling the – the Gupta and was in the vicinity of or – and he visited the Gupta compound. So the telephone records are

very important in telling you the movements of people and that is why I and my Counsel made a lot of noise about these telephone records.

First I was told that this commission do not have them. And my Counsel went through the legal route and thanks to you we got them. It turns out you have them since 2019. Since 2019 you had them but you told us you do not have them. But those records do not tell you that I have met Mr Masongo at Melrose Arch. They do not tell you that I
10 have met Ms Daniels at Melrose Arch and that is the reason why you have not been giving those records. Those records you were – they were kept away from you because they are telling you they are – they are telling you the story that the meeting that Mr Seleka is excited about on the basis of the telephone records you cannot prove it. So you can choose not forget the meeting that never happened but it never happened.

CHAIRPERSON: What – what of course one can – one could say is that if indeed – if you – if the meeting did take place
20 there may have been a discussion about the suspension if the position is that on the same day both Ms Daniels and Mr Salim Essa who in terms of that version were at the meeting with you. If it did take place then the suspensions may have been discussed because it looks like at this Ms Daniels and Mr Essa had an interest in the issue of the suspensions in

terms of the version even by – is it Mr Khoza who pointed to the properties?

MR KOKO: It is Mr Khoza and Ms Klein.

CHAIRPERSON: Mr Khoza and Ms Klein. So if it did happen it means to say the least two of the people who were at the meeting had an interest on the subject of the suspensions. That part I guess you would accept?

MR KOKO: I will but what I am saying to you is...

CHAIRPERSON: Ja.

10 **MR KOKO**: If that meeting happened between the two of them.

CHAIRPERSON: Ja.

MR KOKO: They must not drag me in.

CHAIRPERSON: Yes. Ja. Okay. I think the – this might be the right time to take the lunch break.

ADV SELEKA SC: Yes.

CHAIRPERSON: Unless you have one question you want to ...

MR KOKO: It is the right time Chair.

20 **CHAIRPERSON**: Unless there was one question you wanted to put before we go on lunch?

ADV SELEKA SC: It is a couple Chair.

CHAIRPERSON: Oh okay.

ADV SELEKA SC: So let us adjourn.

CHAIRPERSON: No that is fine. Let us take the lunch

break. It is one o'clock or one minute to one and then we will resume at two.

ADV SELEKA SC: Thank you Chair.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

CHAIRPERSON: He is ready too?

REGISTRAR: [No audible reply]

10 **CHAIRPERSON:** Okay alright. Yes, Mr Seleka.

ADV SELEKA SC: Thank you, Chair. Chairperson, the first affidavit and I have – it is not an affidavit, it is a supplementary statement that Ms Daniels made to the Parliamentary Portfolio Committee. And that is... Sorry, I am switching the sequence Chair. It is in Eskom Bundle 8(A) from page 87.5.

CHAIRPERSON: Are we going to a different affidavit now?

20 **ADV SELEKA SC:** Yes, that is why I say Chair, I am switching the sequence.

CHAIRPERSON: Oh.

ADV SELEKA SC: Just for context.

CHAIRPERSON: Okay.

ADV SELEKA SC: Okay. Thank you, Chair. Page 87.5

CHAIRPERSON: Yes, start by telling us whose affidavit

this is.

ADV SELEKA SC: Oh, yes. This Chairperson starts on page 87.2. It is a further submission, it reads:

“Further submissions by Ms Suzanne Margaret Daniels in response to the evidence presented to the committee.”

And this was submissions to the Parliamentary Portfolio Committee. The document is dated 18 April 2018.

And I am only referring to a paragraph on page 87.5,
10 paragraph 8 and it reads:

“In May 2015, I was acting Senior Management in the office of the chairman and I can confirm that I was tasked with liaising with the suspended executives to convene and I arranged meetings with the executives and directors.

I was not appointed as acting Company Secretary in May 2015 as Malesela Phukubje was the Company Secretary at the time and my
20 appointed as Company Secretary only transpired after 1 October 2015...”

That is the one aspect. But Chair, I want to then go to the affidavit that we want ...[intervenes]

CHAIRPERSON: Just one hang on. One second. Did you read up to paragraph 9 or only paragraph 8.

ADV SELEKA SC: I only read paragraph 8 Chairperson.

CHAIRPERSON: Oh, okay alright.

ADV SELEKA SC: Yes.

CHAIRPERSON: Okay.

ADV SELEKA SC: I know there are certain aspects of interest in that affidavit but...

CHAIRPERSON: Ja.

ADV SELEKA SC: But we will deal with them in due course. Then 8(B) on page 1082. This is Exhibit U-18.3,
10 the supplementary affidavit of Ms Suzanne Daniels. On page 1082, it reads – paragraph 10. And Mr Koko, I will ask you to comment after this.

“On the morning of 20 July 2015, one of Mr Koko’s first meetings was with Mr Johan Bester, the follow-up on the coal supply agreements.

Mr Bester refers to this at paragraph 36 of his affidavit to the Commission signed on 16 January 2019.

20 Of significance is that Mr Koko requested detailed information and documentation relating to new local projects...”

Let me go to the next paragraph:

“I met with Mr Koko shortly after his meeting with Mr Bester at this time.

I still held the position of Senior Manager in the office of the Group Executive of Technology and Commercial and thus Mr Koko was my direct superior...”

Now this on the 20th of July 2015.

“After the initial pleasantries, he began issuing instructions on the items which we needed to focus on...:

So when you came back then Mr Koko, and I
10 wish you to comment on this, Ms Daniels says she was still holding the position of Senior Manager and I believe this is in your office, Group Executive Technology and Commercial. Your comment on that?

MR KOKO: Chair, there are two things. What Mr Seleka read on 87.5

ADV SELEKA SC: Yes?

MR KOKO: [Speaker moves away from microphone – unclear.]

CHAIRPERSON: I think you will have to bring it closer to
20 you because I do not think the record ...[intervenes]

MR KOKO: Yes, it is 87.5, paragraph 8. What Ms Daniels is saying is correct. She was not the Company Secretary. Mr Malesela Phukubje was the Company Secretary.

I may have said she was a Company Secretary at that point. I think that is what she is trying to correct. And

she is right. That what she is trying to correct, she is correct.

She was – she never came back to my department after I suspended her. She never. The paperwork may have taken longer to do but I can tell you know, from the 10th, from the 11th of – the 11th of March 2015, Ms Daniels was in the office of the chairman.

The paperwork to transfer her, may have taken
10 time, X time but she never came back to my office. When I came back she was not in my office. I did have a meeting with Mr Bester on the first year I came and Mr Bester was – his role was General Manager of Procurement.

And she – he updated me on issues around Primary Energy. One most important one, which we deal with today, is Optimum. I asked for the document. He refused to give me. He choose to resign.

CHAIRPERSON: You said, he – you do not mean ...[intervenes]

20 **MR KOKO:** Mr Bester.

CHAIRPERSON: Okay alright.

MR KOKO: I asked for the documents and we will go to the details. And let me tell you this Chairman.

ADV SELEKA SC: I thought we will reserve it for that time.

MR KOKO: No, but I need to conclude – I need to say this because I have always wanted to say this and I did not want to say to the media and I wanted to say it here. Mr Bester is not used to a competent white guy – a black guy asking him for details and he says so in his affidavit.

I am Engineering Graduate. You have just said, I love detail. When he gives me feedback, he expects me to walk away and say: Your own *baas* said so. I refused. I asked for detail. He resigned on that day.

10 And the evidence that comes out and I received his supplementary affidavit last night. It explains to me why he had to run because if he did not run, I would have catch up with him and I would fire him.

CHAIRPERSON: Yes, Mr Seleka.

ADV SELEKA SC: Yes, thank you Chair. Well, let us just focus on Ms Daniels, Mr Koko, so that we can get clarity on this. You are saying when you came back from your suspension, she never came – she was never back into your office. So are you saying here when she says:

20 “I met with Mr Koko shortly after his meeting with Mr Bester.

At this time I still held the position of Senior Manager in the office of the Group Executive Technology and Commercial and thus Mr Koko was my direct superior...”

Are you saying the statement is incorrect?

MR KOKO: That is correct. I am saying precisely that. I was not Ms Daniels' supervisor on the 20th of April. She had transitioned to ...[intervenes]

ADV SELEKA SC: Ja, 20 July.

MR KOKO: ...the 20th of July. I beg your pardon. So – thank you. She had transitioned to the office of the chair. I do not – I cannot tell you when her paperwork was concluded. I think Eskom can do that. But since I left on
10 the 10th of March, I never ...[intervenes]

CHAIRPERSON: The 11th of March.

MR KOKO: The 11th of March. I never was her supervisor officially. The chairman was.

ADV SELEKA SC: And she goes on to say that you and her, paragraph 12, after initial pleasantries you started – you began issuing instructions on the items which you needed to focus on – he needed to focus on.

20 “It was during this discussion that he began reading off a sheet of paper when referring to the transactions.

He showed me this piece of paper and told me that this was a list of transactions that his principals told him to focus on.

At the time I assumed his principals to be the Eskom Board members.

As I indicated in my affidavit to the PC, which is the Portfolio Committee, the piece of paper which he was reading off was undated and inundated with handwritten notes.

I do not know who the handwriting belongs to...”

MR KOKO: Ja.

ADV SELEKA SC: Yes.

10 “He started going down the list when we were interrupted by him being called by Mr Molefe’s office.

During the time, I took the list and made a copy for my own files and record.

When he returned from Mr Molefe’s office, he instructed me to ensure that his direct reports deliver the information that he requested.

I left his office for my own...”

So is that – what do you say about that version of hers?

20 **MR KOKO:** No, that is false.

ADV SELEKA SC: Yes.

MR KOKO: That is false. I could not have – I would give my direct reports - ask to do things and I did not even do it on that day. I did not do it on that day. On that day, for me was sitting.

Remember, I have had – I am not sure if I mentioned it the last time. I was not – I was asked to come back on the 15th of July. I came back on the 28th. And in between I had a series of meetings, one-on-one with my direct reports. And when I got into the office, that is when I actioned them. That is why you see a lot of emails to infoportal address and these many.

I cannot give an instruction of detail. She is a lawyer. She cannot comprehend that and I do not
10 understand that. I do remember the note, by the way. I do remember ...[intervenes]

CHAIRPERSON: Which note is that?

MR KOKO: [No audible reply]

CHAIRPERSON: The one she says you are reading from?

MR KOKO: The one that is on 1084.

ADV SELEKA SC: The note is super imposed. Yes, on the next page Chair. On page 1084 but we have it as an annexure to her supplementary submissions to the Parliamentary Portfolio Committee which is in the first file.
20 I will give the Chairperson the page reference. But that is super imposed there. [Speaker in discussion with junior counsel – unclear.] Page 1084. No, ten... No, just the next one.

CHAIRPERSON: Well, Mr Koko says...

ADV SELEKA SC: [Speaker in discussion with junior

counsel – unclear.]

CHAIRPERSON: Mr Koko, the note that you say you remember, is it the one appearing at page 1084?

MR KOKO: Yes.

CHAIRPERSON: Okay. Well, you were answering a certain question that Mr Seleka had put and then you said there was something that was false but you said you remember this note.

MR KOKO: Ja, but this ...[intervenes]

10 **CHAIRPERSON:** I just want to ...[intervenes]

MR KOKO: This note is the one that is ...[intervenes]

CHAIRPERSON: I want us to finish that question.

ADV SELEKA SC: Yes.

MR KOKO: Ja. No, I did not give her instructions Chair.

CHAIRPERSON: Ja.

MR KOKO: I did not give her instructions.

CHAIRPERSON: Okay. And those are the instructions that she says were – were to do what?

MR KOKO: [No audible reply]

20 **CHAIRPERSON:** Mr Seleka, what instructions did she say in the affidavit Mr Koko gave?

ADV SELEKA SC: She does not specify the details Chair in paragraph 13.

CHAIRPERSON: Oh, is that why she says: Mr Koko began issuing instructions on the items which he needed to

focus on.

ADV SELEKA SC: Oh sorry you... Chair, is that paragraph 12?

CHAIRPERSON: Ja.

ADV SELEKA SC: Yes, after the initial...

“...he began to give instructions on the items which he needed to focus on.

It was during the discussion that he began reading off a sheet of paper when referring to the transactions.

10

And he showed me this piece of paper and told me that this was a list of transactions that his principals told him to focus on...”

So Chair, it seems it relates to that list then which you will find on page 1084.

MR KOKO: And Chair, I cannot relate this list to this paragraph.

CHAIRPERSON: Ja, I think – I mean, is there anything in the text of the affidavit... Well, she says in paragraph 17.

20 I think that is where ...[intervenes]

ADV SELEKA SC: Yes.

CHAIRPERSON: From her review of the document:

“...the highlighted items below coincide with what was testified about and also coincide with the emails put to Mr Koko by the evidence

leader...”

ADV SELEKA SC: Yes.

CHAIRPERSON: Well, I think you must start somewhere. We must go back or I think we have all lost track of ...[intervenes]

ADV SELEKA SC: Ja.

CHAIRPERSON: ...of what we are really focussing on here.

ADV SELEKA SC: Yes, Chair.

10 **CHAIRPERSON:** Because she talks about a note in paragraph 12, a piece of paper that she says Mr Koko was reading from. And then, which she says was undated.

ADV SELEKA SC: Yes.

CHAIRPERSON: And then in paragraph 13, I think she is still talking about that piece of paper.

ADV SELEKA SC: Yes.

CHAIRPERSON: And she says Mr Koko went to see Mr Brian Molefe and left the piece of paper. And she says she made a copy for her files.

20 **ADV SELEKA SC:** Yes.

CHAIRPERSON: But she does not seem to say anywhere here it is that piece of paper.

ADV SELEKA SC: Ja, let us carry on at 14 Chair.

CHAIRPERSON: “At paragraph 10.11 of my supplementary affidavit, I point out that the

McKenzie transaction was Item 2 on the list and was assigned a value of R 10 million...”

Is that R 10 million?

ADV SELEKA SC: Billion.

CHAIRPERSON: “...which was consistent with the testimony of other witness at the PC that the McKenzie/Trillian packet was valued at this amount...”

ADV SELEKA SC: 15.

10 **CHAIRPERSON:** “It is also consistent with Ms Matjeko’s evidence, the transactions focused on deciphering(?) of large fees, rather than the substantive value of the work provided...”

It is not clear to me that – certainly she had not said so far that piece of paper, a copy of which I had made on that day, is attached hereto marked whatever.

ADV SELEKA SC: Yes. Chair, it may not be clear from this but she refers to her supplementary submissions to the Parliamentary Portfolio Committee. There ...[intervenes]

20 **CHAIRPERSON:** She attached it?

ADV SELEKA SC: She attached it as an annexure.

CHAIRPERSON: Have we got that supplementary affidavit?

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Let us rather go to it.

ADV SELEKA SC: That is in the first file. It is the Eskom... Sorry, Eskom Bundle 18, page ...[intervenes]

CHAIRPERSON: Has Mr Koko been given this affidavit before? Has he filed an affidavit in response?

ADV SELEKA SC: Ja, he comes way back to you from the Parliamentary Portfolio Committee.

CHAIRPERSON: H'm?

MR KOKO: I recognise this note from the Parliamentary Portfolio Committee.

10 **CHAIRPERSON:** This note here?

MR KOKO: Yes, I recognise it from the ...[intervenes]

CHAIRPERSON: Okay let us see.

ADV SELEKA SC: Page ...[intervenes]

CHAIRPERSON: Just repeat the bundle and the page number where we will find the supplementary affidavit to which he attaches the note.

ADV SELEKA SC: Ja. So, ja, that red pagination is incorrect. It is Eskom Bundle 8. I beg your pardon.

CHAIRPERSON: And what page?

20 **ADV SELEKA SC:** Page... The annexure is on page 87.88.

CHAIRPERSON: It is Bundle 8(A) or (B)? Is it not the one where we have the A's and B's?

ADV SELEKA SC: Yes, it is A Chair.

CHAIRPERSON: 8(A)?

ADV SELEKA SC: 8(A).

CHAIRPERSON: I think where there is A and B, we must...

ADV SELEKA SC: Specify.

CHAIRPERSON: ...specify, so that those who read the transcripts after years or months, they will know which ones we are talking about.

ADV SELEKA SC: Thank you, Chair.

CHAIRPERSON: Okay. Please repeat the page number.

10 **ADV SELEKA SC:** Yes, the page number – let me refer the Chairperson to the page number in the submissions, 87.9. Mr Koko, it is that file where you are reading paragraph 10 from.

CHAIRPERSON: I have got 87.9.

ADV SELEKA SC: Yes. Chairperson, paragraph 10.9. It says:

“I note that this is detailed in my report to the Minister at pages 11 to 14.

20 Mr Koko attempts to portray me as the architect of the payments to Trillian Management Consulting.

However, during my tenure as Senior Manager in his office, he shared details of a number of transactions where he indicated that his principals told him to focus on.

I surreptitiously attached hereto a copy as Annexure marked SMD-4...”

Now that is on page 87.88. And Chair you will – as you go there, I will read further in her affidavit – in her supplementary submissions.

CHAIRPERSON: Okay. Yes, I am at ...[intervenes]

ADV SELEKA SC: 87 ...[intervenes]

CHAIRPERSON: ...at page 87.88.

ADV SELEKA SC: Yes.

10 **CHAIRPERSON:** Yes?

ADV SELEKA SC: In her affidavit, she carries on with:

“The piece of paper was undated, informal with handwritten notes and I accordingly filed the paper amongst my files...”

And you will see, she talks in this affidavit she talks about handwritten notes been made. She does not know whose handwriting it is. So MSD-4 is exactly the document which is on page 1084.

20 **CHAIRPERSON:** Ja. Did not she say – I thought she said it was a handwritten note.

ADV SELEKA SC: Yes, they are handwritten notes and she says she does not know whose handwriting it is.

CHAIRPERSON: Ja, I was saying I was under the impression that the whole ...[intervenes]

ADV SELEKA SC: Oh.

CHAIRPERSON: ...piece of paper was handwritten, rather than typed...

ADV SELEKA SC: No.

CHAIRPERSON: Okay. I take it that if the handwriting was that of Mr Koko, maybe she would know? Maybe ...[intervenes]

ADV SELEKA SC: I ...[intervenes]

CHAIRPERSON: The only handwriting of Mr Koko, she might have seen might be the signature.

10 **ADV SELEKA SC:** Yes.

CHAIRPERSON: Not...

MR KOKO: Correct.

CHAIRPERSON: This is your handwriting?

MR KOKO: This is my writing.

CHAIRPERSON: Oh, okay, okay, okay.

ADV SELEKA SC: Yes.

CHAIRPERSON: Okay.

ADV SELEKA SC: Ja.

20 **CHAIRPERSON:** I think it is now that has resolved, my question that I wanted to see the note.

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: Not the way it was in the other affidavit.

ADV SELEKA SC: Yes.

CHAIRPERSON: So you can take it from there.

ADV SELEKA SC: Yes. Chair, I could... Let me go into

this because we have not finished off and I will do quickly on those emails again of infoportal. Let me deal with this Chair. Mr Koko will know.

You see, Mr Koko talked about Online Vending. One of the emails at Online Vending and Mr Koko was saying: I am leading the chairperson the wrong way.

But you did not explain why you say I am leading the Chairperson the wrong way, because I have not even come to that email in relation to the significance of Online
10 Vending. Now maybe we can go into that now Mr Koko

MR KOKO: Ja.

ADV SELEKA SC: ...because ...[intervenes]

CHAIRPERSON: When you say ...[intervenes]

MR KOKO: Before you do that Chair.

CHAIRPERSON: I am sorry Mr Koko. When you say one of the emails talks about online banking ...[intervenes]

ADV SELEKA SC: Vending.

CHAIRPERSON: H'm?

ADV SELEKA SC: Online ...[intervenes]

20 **CHAIRPERSON:** Vending?

ADV SELEKA SC: Vending.

CHAIRPERSON: Oh, okay. That is the one that where he refers to discussions.

ADV SELEKA SC: That is ...[intervenes]

CHAIRPERSON: Is that the one I asked him about? I

think it is. Ja, it was – I think it is that one ...[intervenes]

ADV SELEKA SC: Let me see whether ...[intervenes]

CHAIRPERSON: ...where I asked the question who was he talking to.

ADV SELEKA SC: Yes, that is correct Chair.

CHAIRPERSON: Ja.

ADV SELEKA SC: Yes, absolutely correct.

CHAIRPERSON: Okay. So you want – you say you want to deal with that now?

10 **ADV SELEKA SC:** Alright let us deal with it now.

CHAIRPERSON: Ja, okay alright.

ADV SELEKA SC: Yes. He said: I have not said anything about it and Mr Koko said I am leading you the wrong way. I do not know what did he mean by that. The evidence is presented by the witnesses Mr Koko. Chair, what you see from Ms Daniels' affidavit and she links it to Ms Mothepu's evidence.

Ms Mothepu, when dealing with aspects or projects that Eskom wanted Trillian to do, refers to some of
20 the items on that list of Mr Koko. And Online Vending is also there.

CHAIRPERSON: Well, if the questions you will ask in regard to Online Vending ...[intervenes]

ADV SELEKA SC: Yes, Chair.

CHAIRPERSON: ...includes questions on the piece of

paper that Ms Daniels talked about in that affidavit that we referred to a few minutes ago.

ADV SELEKA SC: Yes.

CHAIRPERSON: Should you not first get Mr Koko's response to the version put to Ms Daniels as to how she came to have a copy of that?

ADV SELEKA SC: Certainly Chair.

CHAIRPERSON: Mr Koko has said the handwriting ...[intervenes]

10 **ADV SELEKA SC:** Is his.

CHAIRPERSON: But let us get to know where – what the position is.

ADV SELEKA SC: Yes.

CHAIRPERSON: Because Ms Daniels has a certain version.

ADV SELEKA SC: Yes.

CHAIRPERSON: And then you can then continue.

ADV SELEKA SC: Yes, thank you Chair. So Tsotsi, yes... I mean, Mr Koko. We have read the version of Ms Daniels
20 and she relates how she got to obtain this copy. It was in your office, she says, and you were given instructions in regard to that. She made a copy without you knowing and she has disclosed this, not only here, but firstly did so to the Parliamentary Portfolio Committee. It seems also she is saying to the report to the Minister. So you have

heard her version. Would you comment on that, please?

MR KOKO: Ja, I was surprised from day one in Parliament. I was pretty surprised in Parliament. This document, if I remember it, never arose on the day I attended the committee. It came much later. And she brought it to me. She brought it to me and went with me – the point of interest to her and how that being handled in the organisation.

CHAIRPERSON: I am sorry when she briefed you on
10 projects and then I did not hear what comes after that.

MR KOKO: She brought it to me wanting an update on this project.

CHAIRPERSON: Okay.

MR KOKO: Because some of them were in my area and that is why I wrote on them.

CHAIRPERSON: Yes, okay.

MR KOKO: Giving her an update. It is her document she brought it to me, she brought it to me, what is the update on this project. It is not unusual. She always comes and
20 say we need update on project. I gave you my project and gave you my thought. I was shocked in parliament when she said we discussed on that did. We never did. I am still shocked that she links this with the Minister. I am still shocked that she links this with Mr Molefe. It is a fabrication, the Minister has nothing to do with this, Mr

Molefe has nothing to do with it. It is her document.

CHAIRPERSON: But you say she came – she brought it to you much later than the 20 July.

MR KOKO: Yes, yes.

CHAIRPERSON: Ja.

MR KOKO: Much, much, much later.

CHAIRPERSON: Yes. At that time I take it she was based on the Chairman's office.

MR KOKO: Chairman's office, yes.

10 **CHAIRPERSON:** What would be the grounds for her to want to be updated on projects under your portfolio when she was not I take it your senior. Why would she want ...[intervenes]

MR KOKO: No, Chair.

CHAIRPERSON: Or was it the Chairperson who would have sent her?

MR KOKO: It is normal, it is normal for the secretariat to ask for feedback. Remember, I do not sit in the board. I do not know what issues get discussed in the board and
20 now and then she would come and say I need feedback on this, draft a memo on this, and I truthfully draft a memo and it is up to her what she do with it. I always assumed it is for principals. That is what I always assumed but she is trying to create something that does not exist. It is her document, she brought it to me, I did penned in notes, I

even told her some of these projects are nonsensical, she must forget about them if they indeed – if it is the intention of the board from being - for example, the matter replacement 1000 megawatt, that's nonsensical. You know?

CHAIRPERSON: But was your understanding that she was asking for an update on behalf of the Chairperson or was your understanding that she was personally interested in the projects or both or you were not sure.

10 **MR KOKO:** I was not sure, I never got the impression that she was personally interested. I have always assumed when she comes to me asking for feedback and she would do it with other executives as well that the recipient of that information is the board.

CHAIRPERSON: Oh, okay. At that time she was not company secretary as yet, she was [inaudible – speaking simultaneously]

MR KOKO: No, she – no, this when it is charged, it was later on, it was not on that day, it was later on.

20 **CHAIRPERSON:** Yes.

MR KOKO: I was even not even Commercial, when she asked me this, some of this I did not answer, I said this is – I am not in Commercial, go with it to Commercial.

CHAIRPERSON: Okay. Mr Seleka?

ADV SELEKA SC: Thank you, Chair. Ja, in her affidavit –

Chair, that is Eskom bundle 8(B) page 1083. Remember she ...[intervenes]

CHAIRPERSON: 1083, Eskom bundle 8.

ADV SELEKA SC: Eskom 8(B).

CHAIRPERSON: Yes.

ADV SELEKA SC: Ja. Remember she talks about this in the context of the meeting on 20 July 2015.

CHAIRPERSON: Yes.

ADV SELEKA SC: And so paragraph 14 says:

10 “At paragraph 1021 of my supplementary affidavit I pointed out that the McKinsey transaction was item 2 on the list and was assigned a value of R10 billion which was consistent with the testimony of other witnesses ...[intervenes]

CHAIRPERSON: Oh, so that was R10 billion.

ADV SELEKA SC: Yes, 10 billion.

20 “...other witnesses at the PC that the McKinsey Trillian package was valued at this amount. It is also consistent with Ms Mothepu’s before this Commission that the transactions focused on the siphoning of large fees rather than the substantive value of work provided by the consulting firms. The evidence of Ms Mothepu compelled me to look at the transaction list once again and see if there was any congruence. She also testified that the emails

show that documents were exchanged in July/August 2015 which was around the same time that Mr Koko returned to office and started sending off the emails that were put to him.”

And then she says:

“From a review of the document the highlight items below coincide with what was testified about and also coincide with the emails put to Mr Koko by the evidence leader.”

10 And then there are certain items highlighted on the next page, highlighted in yellow ink.

“Duvha 3 received 5 billion. McKinsey...”

There is the 10 billion.

“...funding restructure 600 million, project Lever(?) Anglo, load management, load management fibre lease cash unlocked, on line vending cash unlocked for 35 billion.”

So Ms Mothepu’s evidence and Mr Koko was referring to her earlier, was that she interacted with Mr Koko when he
20 was at Trillian Regiments. Mr Koko, you will remind us, she has given an email exchanged with you and that she said that online vending was one of the projects added to the proposal to be – of work to be given to Eskom by Mr Koko and Mr Anoj Singh. So the project online vending was added to the proposal by Mr Koko and Mr Anoj Singh.

The message that is sought to be conveyed, Chair, is that Mr Koko comes with this list and he will comment, comes with this list, he says my principals want me to focus on these projects. Some of these projects ultimately to go to be done by Trillian. When Trillian, as you will hear later, did not have any contract with Eskom and payments were made pursuant to Trillian and McKinsey. So this was the mandate supposedly Mr Koko had to achieve these transactions on his return from suspension, for McKinsey
10 and Trillian. Mr Koko, is that made clear?

MR KOKO: Chair...

ADV SELEKA SC: And that – sorry, let me complete it and that some of those emails, Chair, we have looked at which are sent to Info Portal Businessman, a third party, was in pursuance to this list.

CHAIRPERSON: Okay.

MR KOKO: Chair, this list, the [indistinct] 09.10 list is Mr [indistinct] 09.10 list and the list I remember did not even have highlights on and it was not discussed on the 20th, it
20 was not all, Mr Ness(?) must tell you what the background to this is.

Secondly – and I am glad we are getting to Ms Mothepu now. You know one of the things that frustrates me is listening to this Commission which I – to witnesses which I think are blue eyed boys and girls telling you

something and you take it as a fact. Ms Mothepu says Mr Singh ...[intervenes]

CHAIRPERSON: No, no, no, nothing is taken as fact until the findings are made, Mr Koko.

MR KOKO: Ms Mothepu says Mr Koko and Mr Singh added to the scope including online vending. She has never shown to anything that I did there, she has never ever showed you and says this is what Mr Koko added because I did not, one.

10 Two – and my counsel will take us – will take me through Ms Mothepu’s affidavit because I need to go to those items because if you look at those items, none of them, none of them have to do with my position as a Group Executive Technology and Generation. You are a judge, you are a Deputy Justice, you have got your delegations of authority, you do not fiddle with issues that are in a delegation of authority of other judges, you executive your delegations of authority.

20 All the things that Ms Mothepu talks about without fail are not technology or engineering, they have got nothing to do with me. I could not - you know, in the context of those items I am incompetent. I cannot have a decent conversation about insurance, I am just incompetent in that space, so I cannot. Now she says I gave her people to work with. She has never told one

single name of who I talked to. She gave you five emails and I want – I am going to go into the transcripts right now and it is a nice – it is quite interesting because in there, you know, tells you what her intentions is.

In one of the emails she sends to Mokajima(?), you have read Mokajima's email.

ADV SELEKA SC: Ja, your PA.

MR KOKO: So she copies Ms Mokajima and she writes to Ms Mokajima and she copies me and you ask her a
10 question but why do you not – if you have met Mr Koko, why do you not write straight to Mr Koko? She says oh, I remember now, Mr Mokajima is an Indian guy that Mr Koko introduced me to and I was working with. You know, and that is the point and the reason she – she cannot even pick that Mr Mokajima is not an Indian guy. She comes here, she wants you to believe that I gave her an Indian guy and her address is an Indian guy and I will go to her transcript. But she is lying. I am sorry, she is. If you read the transcript and you know the faces and the bodies, you can
20 conclude out of that that this Ms Mothepu – and she even says now I remember, Chair, this is what happened and what she remembers is a fabrication, never existed.

Eskom board appointed the negotiating team to negotiate the McKinsey transaction. I was not part of any person negotiating that transaction.

Two, the negotiations on a [indistinct] 13.34 basis was with McKinsey, was not with any other party. So Eskom could not have negotiated with Ms Mothepu and her company. We could not have done that. I mean, I have seen last night and I am sure Mr Seleka will take you through it, where I emailed to the team in September and there is a reason for that, colleagues, what is the update on this? If I was negotiating, I would not be sending emails to say what is an update because they are
10 negotiating with me, I will be giving them updates.

So it is absolutely wrong, Chair, for this committee to tolerate people who come and say just trust me, Mr Koko changed it.

CHAIRPERSON: Well, Mr Koko, everybody comes and tells their version and we might have certain – I might have certain *prima facie* impressions but findings will only be made once I have heard everybody and I try not to show it, even I do not believe what a witness is telling me. So it may be that somebody might say – somebody might think
20 that I believe what a witness is telling me but I have – all the evidence will be considered once all the witnesses have given their evidence. Okay, Mr Seleka?

MR KOKO: Chair, can I read it? I found the - please, I beg to read it.

CHAIRPERSON: Sorry?

MR KOKO: I found the chapter I wanted, can I read it?

CHAIRPERSON: Okay, how much time do you think it will take to read it? Two minutes, three minutes?

MR KOKO: Less than two minutes.

CHAIRPERSON: Ja, okay, you may read. Just start by telling us where you are reading from so that...

MR KOKO: I am reading...

CHAIRPERSON: It is transcript of what date or...?

MR KOKO: I am reading the transcript of Ms Mothepu,
10 page 181 of 274 ,14 January 2021, day 328.

CHAIRPERSON: Okay.

MR KOKO: That is the [indistinct – dropping voice]

CHAIRPERSON: Alright.

MR KOKO: Right, so the Chair says:

“Sorry, why would you address the email to him when he was not the addressee but he was only copied...”

He is Mr Koko. So she says:

20 “I think now my memory is jogged. Remember I said it was a pleasure meeting you last week? So he introduced me to this gentleman, I forgot his name and I spent 30 minutes on this proposal, so what I needed Matshela to be aware of is that I have spoken to your team but I need information from you and he was a gentleman from Indian

descent, I forgot his name. Yes, but it was Mr Koko who introduced me to him. Yes.”

But he is addressing my PA, Ms Mokajima, so she forgot about that. She is trying to cover the story – and I will tell you why and I happen to know – I am an African, I know her background, so she cannot have – from where she comes from, Mokajima sounds foreign to her, so it looks Indian. So she looks at it and says this think looks Indian and I am going to tell the judge it is an Indian. So it is one
10 of – it is the first email and that you are talking about. Now, Chairperson, this is the type of things I am facing, these are not the people who are here to assist to get to the truth, these are people who are here to create a story so that you can find guilt on a crime that you later define a state capture. It is hurtful.

ADV SELEKA SC: Just give me the page reference again, just on where you were reading?

MR KOKO: 181, 274. I mean, she says I gave her this Indian gentleman and this Indian gentleman was running
20 and she communicates with her and she copies him.

ADV SELEKA SC: Ja. We will read, Mr Koko, and see how we arrive – how we come to that. I just want to finish off on the emails because the travel agent, emails that you refer to of the travel agent, they ultimately come to you.

CHAIRPERSON: Can I have this file taken away for the

time being?

ADV SELEKA SC: Yes, Chairperson.

CHAIRPERSON: Bundle 8(B)?

ADV SELEKA SC: Yes, it can be taken away.

CHAIRPERSON: Yes, I will be left with Eskom bundle 18.

ADV SELEKA SC: 18.

CHAIRPERSON: And, ja, you are going to the emails that we discussed before lunch.

ADV SELEKA SC: Those emails, yes, Chair.

10 **CHAIRPERSON:** Okay. Any particular one you want to start with?

ADV SELEKA SC: Ja, that email with ...[intervenes]

CHAIRPERSON: Have you got bundle 18 in front of you, Mr Koko? If you do not have then somebody can bring it.

MR KOKO: Page?

ADV SELEKA SC: Page 1088.

CHAIRPERSON: 1088?

ADV SELEKA SC: Yes, Chair. 1088, those are the emails that relates to your visa for travel, 3 x Koko family visa.

20 That is on the 3 January 2016. Now I did email you or your attorneys the affidavit of the travel agent.

MR KOKO: You have emailed me a Section 25 statement of the travel agent.

ADV SELEKA SC: Of the travel agent.

MR KOKO: Yes. It is not an affidavit, it is a statement of

2018, that was Section 25.

ADV SELEKA SC: Right, it is commissioned though.

MR KOKO: Yes.

ADV SELEKA SC: On page 1287 of the same bundle, Chair.

CHAIRPERSON: Page 1087?

ADV SELEKA SC: 1287.

CHAIRPERSON: What will I find there?

ADV SELEKA SC: You will find an affidavit of I believe is
10 Ms Halima Alana.(?)

CHAIRPERSON: Okay, I have got it.

ADV SELEKA SC: This is a travel agent, as she says in paragraph one:

“I am an adult female personal travel agent at Travel Excellence, the travel agency situated at Signet Terrace, Gemsbok Street, Lenasia, Johannesburg. My contact details are provided. The facts deposed to herein are within my personal knowledge.”

20 She writes. She received a subpoena.

“On 13 November 2018 I received a Section 205 subpoena which required Travel Excellence Agency to provide the following information.”

Paragraph 3.1:

“Travel records of Mr Anoj Singh...

With identification number given. And the period is 8 June 2014 to 26 February 2017. 3.2:

“Matshela Moses Koko...”

With identification number given.

“...for the period 4 January 2016 to 5 January 2016.

Proof of payment and identification of the source of funds used to purchase the flights tickets, liaison person who was involved in the travel arrangements.”

- 10 Then, Chair, in regard to Mr Koko, the relevant paragraph is on page 1290.

CHAIRPERSON: Ja, I have got it.

ADV SELEKA SC: Yes, page 1290, paragraph 13 reads:

“On 4 January 2016 to 20 January 2016 Matshela Moses Koko was issued with air ticket number...”

And the number is given.

“...travelled to Denpasar Indonesia to Dubai and back to Johannesburg with two other members of his family namely...”

- 20 And the names are given with their ticket numbers.

“The total air tickets price for all three passengers was R100 000 including service fees. The air tickets were paid by means of cash deposit to Travel Excellence by Salim Essa on 20 January 2016. I annex Travel Excellence tax invoice number

of proof of payment as HA7. I know and understand the contents of this declaration, I have no objection to taking the prescribed oath. I consider the prescribed binding on my conscience.”

And the affidavit is signed on 29 November 2018 at Lenasia. Mr Koko, I know that at the parliamentary portfolio committee you had been asked about your trip to Dubai and who paid for it – well, in fact, they didn’t ask you who paid for it as much as they put to you that the
10 documentation they have shows that Sahara Computers and Salim Essa paid for your trip and most probably for your stay at the hotel and now we have the travel agent who says about your travel the payment came from Mr Salim Essa. What is your comment?

MR KOKO: Chairman...

ADV SELEKA SC: Just remember - I think the Chairperson has been at pains to explain that to you, the only way to test every information given to the Commission is to put to a witness that information and get a response.
20 So it has nothing to do with whether or not we believe what is being said, it is just to give you a chance to respond to what is being alleged.

MR KOKO: Yes. Chairman, I am very happy that this comes out and it comes out this way because it exposes the full suite of what people are prepared to go – the

extent people are prepared to go to and I really hope that the investigators of this Commission looks into this because somebody has to be held to account for the conspiracy and the lie. This affidavit has been with the police since 2018.

CHAIRPERSON: I am sorry, just repeat that sentence?

MR KOKO: This affidavit, this statement has been with the police since 2018 and nothing has come out of it up until now and nobody has ever come to talk to me.

10 **CHAIRPERSON:** When you say it has been with the police since 2018?

MR KOKO: 2018 up until today.

CHAIRPERSON: You do not mean that it was deposed to before the police in 2018, is that what you mean?

MR KOKO: It is what I mean.

CHAIRPERSON: Oh, okay.

MR KOKO: It is what I mean.

20 **CHAIRPERSON:** It is just that when you say it has been with the police it is like it has been staying there with the police.

MR KOKO: No, no, it has not – I want to ...[intervenes]

CHAIRPERSON: Oh, it was deposed to in November 2018?

MR KOKO: Yes and nothing has come out of it and there is a specific reason why and I suspect the reason they are

bringing it here is because we found nothing, let us bring it to the committee and hope Mr Koko will implicate himself. Let me take you very slowly through that. On the 4 January 2016 to the 20 January 2016 Matshela Koko was issued with an air ticket number and travelled to Indonesia, to Dubai and back to Johannesburg with two members of his family. A simple check, Chair, of my travelling at home affairs will tell you this is false. You know, when I was at the parliament and this was put to me I said to Ms

10 Mazzone, I will give you my passports, and then she says no, I do not want your passports, I will check it with Home Affairs. Last night I said to my wife, should I take the passport with me? Says no, just tell them to go the Home Affairs. Just a simple check, this is false. Now why would people go to this extent? On the 5 January, I was at home, I was at home.

CHAIRPERSON: You say you were at home, you were at work?

MR KOKO: I was at work at Megawatt Park. So this is

20 false, that is one. But two, the money was paid through a cash payment. Chair, on Friday I went to the bank to do a cash deposit in the bank and I got a cash deposit slip and my lawyer was doing something for me, I went to pay for it. And after I received it, it dawned on me that I must bring it to you. When somebody says Salim Essa paid 100 000 on

a cash payment and the proof you will find it in HA7. When you go to HA7 you want to find a cash deposit slip. That is a proof. What do you find? Let us go to HA7.

ADV SELEKA SC: Page? What page number?

MR KOKO: I must find it first.

ADV SELEKA SC: Oh, you want the annexure?

MR KOKO: 1315.

ADV SELEKA SC: It is 1315, Chair. At 1315 it is a receipt, a payment receipt, Travel Excellence, the name to
10 whom it is issued seems to be ...[intervenes]

CHAIRPERSON: Well, at page 1315...

ADV SELEKA SC: Yes.

CHAIRPERSON: One sees a document there which is HA7, a document written Travel Excellence and it says received and below the word received is the landline and the fax number and then there's the postal post address and the street address and then it says TE number 590-505-4595. I am not sure which of it which is, and then it says name, then it says Matshela Moses Koko, and then it
20 says route, and then it is written Matshela Moses Koko – re-issue.

Then it says ticket number, there is no indication justification, below that it INV number, which I guess is invoice number. AS or A5 I am not sure 99862 and then below towards the end of the document it says amount R

and then it is written 100,000, the date given is 21/16. And then it says paid by, and then it says cash or card there is no indication and then it say EFT and then there is a tick under EFT.

And then under that it is written or in that last line of the document, it says received by and then it is a word that seems to me like Elma or Galiema.

ADV SELEKA SC: Galiema.

CHAIRPERSON: And then at the opposite end of that,
10 there is S Essa, and that then is there is Travel Excellence and then there is the SAPS which I assume may, I do not know whether it may have been used when she was depositing to the affidavit. I was just reading into the record what one sees.

ADV SELEKA SC: Yes.

CHAIRPERSON: He wanted to make her a point about it.

MR KOKO: This is not a cash deposit slip so the money was paid in was a cash deposit, so you expect a cash deposit slip. You find something else that canvassed for
20 this one but two in the slip it says it is an EFT payment it is no longer a cash deposit.

Now I thought about it and I thought maybe let me give them the benefit of the doubt, maybe it is a cash deposit, somebody went into the bank and then did an electronic transfer. In your bundle there is Gupta bank

statements so it is simple if it is an EFT and you say there is proof of payment, you put a bank statement, you see you received R100 000,00 reference Salim Essa on this day, I have the copies of the deposit slips that I got on Friday here and I will give it your lawyers this is how they look. This is not, you know if you go on this and they say there was...[intervene]

CHAIRPERSON: So is your story, or at least maybe one of your poems that you are saying this on the face of it was
10 an EFT payment.

MR KOKO: I am not saying that, Chair.

CHAIRPERSON: Yes.

MR KOKO: I do not want to attach a meaning here.

CHAIRPERSON: Yes.

MR KOKO: I am just; I just want to show you...[intervene]

CHAIRPERSON: You are saying it is not proof of a cash deposit.

MR KOKO: ...how I interpret it.

CHAIRPERSON: Ja.

20 **MR KOKO:** It says on the 4th of January 2015 to the 20th of January 2015 I was issued a ticket to travel to Indonesia to Dubai and then back to Joburg, I am saying a simple check with the Home Affairs will tell you that is false, one.

Secondly, the ticket is allegedly paid by cash payment and the proof is in HA7 1315. You go to HA7

1315 it is something else which tells you it is paid by EFT.
I do not even know how to interpret it.

Three, it has got an invoice number now this invoice number I found very interesting because the AS there is Anoj Singh, it stands for Anoj Singh. If you go to the tax invoices...[intervene]

CHAIRPERSON: How do you know AS stands for Anoj Singh on this document?

MR KOKO: I am taking you there, Chair eventually, it is in
10 page 1305, no.

CHAIRPERSON: I have got 1305.

MR KOKO: No, it is not, you go to 1292 you will see an Excel spreadsheet and in there it says Anoj Singh and at the bottom it is a stamp of excellence and at the bottom there, you have got my names there. And then there is no invoice there, but I will get to that invoice. Yes, and then if you go to 1314 you will find a cash slip, yes bundle 18, 1314.

CHAIRPERSON: Did you not – what is the last page we
20 missed?

MR KOKO: Mr Barrie I think these are the, this is what...[intervene]

ADV SELEKA SC: Well Friday, Saturday...[intervene]

CHAIRPERSON: Hang on let us not all talk at the same time.

ADV SELEKA SC: Very well.

CHAIRPERSON: I thought the last page you gave us Mr Koko was 1317.

MR KOKO: 1314.

CHAIRPERSON: That is the last one you gave us.

MR KOKO: Chair, I think I understand where my counsel is getting confused because these documents came last night and I do not think he is done with it yet.

CHAIRPERSON: Oh, okay Mr Barrie you wanted to say
10 something?

ADV BARRIE SC: Yes, the bundle of documents we got on Friday was up to 1148 it is a 3116-page document but it stops at 1148 and I could not see regarding what Mr Koko refers to. What we do have is the alleged affidavit of - but, and I do not know whether there is a correlation there.

CHAIRPERSON: I think Mr Koko is still answering the question, or is giving his comments on the affidavit from the person from the travel agent, saying that Mr Salim Essa made a cash deposits in respect of his travelling. He
20 is, I think, as I understand it, Mr Koko wants to point out certain things that he says show that this version is not correct or something like that or it is a fabrication.

MR KOKO: It is not only it is not correct but the documents before me suggest a fabrication.

CHAIRPERSON: Yes, so I am just saying, I understand

that that is where you are going but Mr Barrie stood up while you after you had referred us to page 1314 but you had not said what you want us to look at, at 1314.

MR KOKO: Yes, it is a tax invoice and it is that number as AS99862.

CHAIRPERSON: Where about on the page is that?

MR KOKO: Chair, to your right there is a box there that...[intervene]

CHAIRPERSON: Has it got a date?

10 **MR KOKO:** Date and invoice number.

CHAIRPERSON: Ja, the invoice number there is A99862, Ja, what do you - the last time you were referring to the letters AS and you said, that is a reference to Anoj Singh and I asked you, where do you take that from then you started.

MR KOKO: Yes, if you go to the left of – where it says worked in Johannesburg Mr Anoj Singh.

CHAIRPERSON: Yes, but the invoice number does not say AS.

20 **MR KOKO:** It does.

CHAIRPERSON: H'm?

MR KOKO: It does.

CHAIRPERSON: Not on what I see, unless we have different pages Mr Seleka, what do you have?

ADV SELEKA SC: Ja, mine too does not say AS, invoice

number is capital A99862.

CHAIRPERSON: Ja, that is what I have to.

MR KOKO: Chair if the passenger on the invoice is Koko Moses, the other two I mentioned. If you go to 1315...[intervene]

CHAIRPERSON: Page?

MR KOKO: 1315.

CHAIRPERSON: 1315.

MR KOKO: We have been there it is AS99862, it is the
10 same number that is on 1314.

CHAIRPERSON: Yes.

MR KOKO: Except that there is no S.

CHAIRPERSON: Yes, so this one is AS99862, the other one is Aa without the S but the number is the same.

MR KOKO: But the number is the same.

CHAIRPERSON: Yes.

MR KOKO: But the passenger's name is my name.

CHAIRPERSON: Both the one at page 1315 has got your name, as well as the one on page 1311, is it not?

20 **MR KOKO:** Yes.

CHAIRPERSON: So both do have your name, the one at page 1311 has got your name as well as Mr Anoj Singh's name.

MR KOKO: Yes.

CHAIRPERSON: And I think your family members maybe

mentioned?

MR KOKO: Yes.

CHAIRPERSON: Ja, so the one on 1312 and does not make a reference to the full name Mr Anoj Singh as is reflected in the one on one on page 1311 but it does have your name, your full name and the invoice number is reflected as AS99862.

MR KOKO: So what, you a couple of things. She says the proof of payment is in here and it is a cash payment,
10 and the proof of payment is not here and it is not a cash payment is an EFT according to her and it has got Anoj Singh, why would Anoj Singh make my bookings.

CHAIRPERSON: Yes.

MR KOKO: I have never discussed...[intervene]

CHAIRPERSON: But when you say it has got Anoj Singh I am not saying Island are referring to the one of 1311 or 1312?

MR KOKO: 1314.

CHAIRPERSON: 1314?

20 **MR KOKO:** Yes.

CHAIRPERSON: Okay. I am sorry, when I said 1311 and 1312 I am sorry, I think were confused whoever reads the transcript. When I said 1311 I was looking at the red numbers, which I should not have done, I should have referred to - I should have said 1314. When I said 1312 I

was looking at the red numbers, I should have said 1315.

Okay, alright you are talking about the one at 1314?

MR KOKO: Yes.

CHAIRPERSON: And you are you are saying why would Mr Anoj Singh make a booking for you?

MR KOKO: Yes.

CHAIRPERSON: Are you basing that only on the words walk in, in other words, it is like somebody who just walked in and said can you make a booking.

10 **MR KOKO**: So Mr Singh walked in or made a call and said you know book Mr Koko.

CHAIRPERSON: Ja.

MR KOKO: I have never discussed my travelling with Mr Singh. He has got nothing to do with my travelling.

CHAIRPERSON: Well, let us go to - let me ask this question you said that on the version of the person from the travel agent, you would have travelled or you travelled on 4th of January and you say no, you did not travel. You were at home and you were at work.

20 **MR KOKO**: No, no on the 4th - you remember now on the 4th I was in Indonesia already.

CHAIRPERSON: Oh, on the 4th.

MR KOKO: Yes I did not travel to Indonesia on the 4th, I was there already.

CHAIRPERSON: Oh, okay.

MR KOKO: I arrived, I left South Africa on the 23rd of December.

CHAIRPERSON: Yes.

MR KOKO: To Indonesia with six members of my family.

CHAIRPERSON: And came back after the 4th.

MR KOKO: And I came back on the 5th.

CHAIRPERSON: Yes, okay. Mr Seleka.

ADV SELEKA SC: Thank you Chair. Just a couple of things to clarify Mr Koko, at the Parliamentary Portfolio
10 Committee Ms Mazzone I think had made a mistake which you corrected, about you having gone to Dubai in December 2015, you said:

“No, I was not in Dubai in 2015, you just mentioned and I confirmed that I was in Dubai on 3 to 5 January 2016.”

MR KOKO: I was not in Dubai in 2015, that is correct.

ADV SELEKA SC: Ja but you were in Dubai from the 3rd to the 5th January 2016, that is what you said there.

MR KOKO: Yes, I think the 3rd is a mistake, I think I was
20 in Dubai ...[intervenes]

ADV SELEKA SC: Is this a mistake?

MR KOKO: The 3rd is, I think I was in Dubai on the 4th.

ADV SELEKA SC: The 4th.

MR KOKO: The 4th.

ADV SELEKA SC: Yes.

MR KOKO: Yes.

ADV SELEKA SC: But you do say on the 23rd of December you had travelled.

MR KOKO: I left South Africa, I have got my travelling arrangement I will give them.

ADV SELEKA SC: But then could she have had that in mind maybe?

MR KOKO: You see ...[intervenes]

CHAIRPERSON: Well you wanted to refer to some
10 documents Mr Koko.

MR KOKO: No I wanted to get my exact date, I know I left South Africa ...[intervenes]

CHAIRPERSON: Ja, you can have a look at that.

MR KOKO: And this is my frustration Chair, people read newspapers and go and put affidavit, and then when they put to me, the same thing happened to Ms Mazzone, but Ms Mazzone I was not in Dubai in 2015.

ADV SELEKA SC: No that's fine ...[intervenes]

MR KOKO: They read newspapers that there was a party
20 in Dubai, I was not there, I left South Africa with my six members of my family on the 23rd of December at two o'clock.

CHAIRPERSON: Is it the 3rd or 23rd?

MR KOKO: 23 December 2015.

CHAIRPERSON: Ja, yes.

MR KOKO: To Dubai – I beg your pardon, to Indonesia.

ADV SELEKA SC: Indonesia yes.

CHAIRPERSON: Ja.

ADV SELEKA SC: Dubai is from the 4th of January.

MR KOKO: Ja, Dubai is from the 4th of January, which is then after I got my visa.

ADV SELEKA SC: Yes, because that is – I have seen page 13.15 that slip we were looking at as re-issue.

MR KOKO: Yes.

10 **ADV SELEKA SC:** And I see it seems to be explained on page 12.92 because there was a first issue, on the 3rd of January 2016 and then a re-issue, which was an upgrade on the 4th of January 2016. The last two lines in that table Chair. So Koko Matshela Moses, the ticket number is there, date of issue is the 3rd and it shows that you got the ticket desk, it shows new issue. Is the Chair there? And on the 4th it is an upgrade and it is a reissue, do you see Chair?

20 **CHAIRPERSON:** I see on page 1292 that the last two ...[intervenes]

ADV SELEKA SC: Entries.

CHAIRPERSON: Is Kolumso, horizontal.

ADV SELEKA SC: Oh, oh, rows, these are rows.

CHAIRPERSON: And you have Koko Matshela Moses and the you have and then you have got ticket number and then

you have got ...[intervenes]

ADV SELEKA SC: Date of issue.

CHAIRPERSON: Date of issue and then date of issue is 3 January.

ADV SELEKA SC: Yes Chair.

CHAIRPERSON: Excuse me, date of issue is 3 January 2016.

ADV SELEKA SC: Your microphone is off Chair.

CHAIRPERSON: Oh, I am sorry, date of issue according
10 to page 1292 was 3 January 2016, date of travel appears
to have been 4 January 2016, I don't know what date the –
no, no that is not a date, it comes up like that, but it looks
like his route, routing here, GPS-DXB-Johannesburg I
guess, and then there is tickets, this and so on, okay I see,
is that what you wanted me to look at?

ADV SELEKA SC: Yes Chair, then you have new issue.

CHAIRPERSON: Yes.

ADV SELEKA SC: That is the first time they issue it, then
you have a ticket amount, that's R18 000, the invoice
20 number is there, it has 988 again.

CHAIRPERSON: Where is the invoice number?

ADV SELEKA SC: Next to the amount.

CHAIRPERSON: Oh yes, ja, I see that.

ADV SELEKA SC: Then you go further right, amount paid.

CHAIRPERSON: Ja.

ADV SELEKA SC: Hundred thousand, date paid 20 Jan 2016, and then payment by cash deposit S Essa, which according to the affidavit is Mr Salim Essa.

CHAIRPERSON: Yes.

ADV SELEKA SC: Then deposit amount and they again indicate cash deposit R100 000. The last line it seems it is an upgrade Mr Koko, is that right? And then there is a re-issue so you start again Koko Matshela Moses, the ticket number, the date of issue now is the 4th of January 2016,
10 the data of travel 5th January 2016 and that appears to be the route, upgrade ticket desk reissue the amount is given of R32 590, the invoice number and the other parts are blank.

But the information here Mr Koko but because she says in her affidavit on 4 January 2016 to 20 January 2016 which is the date when payment was made. Matshela Moses Koko was issued with air ticket number and she gives the number and travels to then Pasar Indonesia to Dubai and back to Johannesburg with two other members
20 of his family.

So the whole trip to Dubai date in terms of this summary on page 19, I mean 12 of 92 , seems to be ...[intervenes]

CHAIRPERSON: Well Mr Seleka shouldn't you just go to the point, let us hear Mr Koko.

ADV SELEKA SC: Yes.

CHAIRPERSON: Mr Koko are you saying that to the extent that the ...[indistinct] from the travel agent that you depose to the affidavit that Mr Seleka react to and who attaches these documents to the extent that she says, because I think it is a she, she says that her travel agent made bookings for you and your family members to travel and that the payment for either the whole travelling or part of the travelling was paid for by Mr Salim Essa to them, are
10 you saying that that is factually, that is true?

MR KOKO: No false.

CHAIRPERSON: It is false and you ...[intervenes]

MR KOKO: And the obvious errors you can see.

CHAIRPERSON: Sorry?

MR KOKO: The errors are obvious.

CHAIRPERSON: Now you are not saying – or are you going that far, to say objectively speaking this is all false, or are you saying look I don't know what Mr Essa or whoever may have paid into that travel agent and what he
20 may have paid for, all I am saying is that I am not aware that anybody paid for me to that travel agent, I know that I paid for my family, so in other words is the position that objectively you are saying when they say Mr Salim Essa paid for your trip that is factually true, you are not saying, well you were not there, you don't work in their offices, you

don't know who paid but if he did pay it wasn't with your knowledge and you had not asked him to pay.

MR KOKO: No, no Chair, that would be gross, nobody pays 100 000 for you and you don't know.

CHAIRPERSON: Sorry.

MR KOKO: Nobody pays 100 000 for you and you don't know.

CHAIRPERSON: Well I am trying to make sure that we ...[intervenes]

10 **MR KOKO:** No, that would be ...[intervenes]

CHAIRPERSON: I am trying to be sure because you remember with regard to Mr Salim Essa about the emails you ended up with the position that says as you sit there you accept that the emails came from somebody outside of Eskom and that the emails that you thought you were sending to Dr Ngubane were going to somebody outside, but you are saying you were not aware, so that is why I am asking this question.

20 **MR KOKO:** No, no, no Chair that will be – in this instance that will be gross.

CHAIRPERSON: Okay, alright, so you say nothing like that happened.

MR KOKO: So I am saying nothing like that happened.

CHAIRPERSON: Okay.

MR KOKO: I have booked, my family and I have booked,

here are documents, there's six of us we have paid R332 255,94. After I received the documents from Mr ...[indistinct – word cut] I went back to the agency we used.

CHAIRPERSON: This agent or another agent?

MR KOKO: No, another agent that we use for travelling.

CHAIRPERSON: Ja.

MR KOKO: And I said to him I have difficulty with commission give me ...[indistinct] I will give this to your
10 colleagues. Give me the invoice, give me copies of the invoice and you will see there Mr Seleka has emails, you see the email audit trails on there, and eventually they say to me, and I am giving them to you Chair because your investigators can do better, so ...[intervenes]

CHAIRPERSON: But let me just also get this before you might – you may read from the documents, this travel agent did you ever use it for anything?

MR KOKO: I don't know her, I don't know of her, I have never heard of her.

20 **CHAIRPERSON:** And the company itself, Travel Service ...[intervenes]

MR KOKO: I don't know the company.

CHAIRPERSON: You don't know the company.

MR KOKO: I don't know this company but I – I – after receiving it I can venture one or two explanations of what

happened.

CHAIRPERSON: Yes.

MR KOKO: I don't know them, I have never met them, I have never spoken to them, I have my records of my travelling plan ...[intervenes]

CHAIRPERSON: And you never asked anybody to make bookings with them?

MR POPO: I never asked anybody to make bookings there.

10 **CHAIRPERSON:** Ja, okay.

MR POPO: I have got my records here, God is always with Moses, I said I will find them, I have found them.

CHAIRPERSON: Yes, okay, you wanted to read something from the documents?

MR POPO: Yes, so, so ...[intervenes]

CHAIRPERSON: Before you read if you can just say what document it is and what date, and then you will make them available to Mr Seleka and then in due course they will be part of the bundle.

20 **MR POPO:** I must find the order. This is an email from my wife, Khomotso Choma, on the 17th of February 2021, your receipt 17 February 2021 correlates with the date you sent me the affidavit, a couple of days.

CHAIRPERSON: Yes.

MR POPO: Then my wife says to them ...[intervenes]

CHAIRPERSON: It is addressed to whom?

MR POPO: To Jacobs, Johan.

CHAIRPERSON: And that is the travel agent?

MR POPO: Yes, yes.

CHAIRPERSON: Ja?

MR POPO: As discussed please send me the invoice and payment statement for this booking.

CHAIRPERSON: It says please send me the invoice and?

MR POPO: For this booking, the 2015 booking.

10 **CHAIRPERSON:** Oh, ...[intervenes]

MR POPO: Because I would say ...[intervenes]

CHAIRPERSON: Yes.

MR POPO: Here are my details I mean somebody says he paid for the – this is what I paid.

CHAIRPERSON: Yes okay alright. Ja that is what she says ja.

MR KOKO: Yes.

CHAIRPERSON: Ja. And what is the response?

20 **MR KOKO:** Then I get a – my wife gets an email from I do not know whether it is a she or a he and this is Thomson's company; Vanessa [?]. She says:

“Hi Khomotso. Johan has forwarded your email – your mail to me to try to assist. I see this dates back to a booking of 2015 and was done by Excel Sandton Travels. What is that you are needing so we can

understand your request?”

Then my wife sends – my wife responds and says:

“As discussed please send me the confirmation –
send me the confirmation – “

Oh then they had discussions I think on the phone. Then”

“As discussed please send me the confirmation of
what you just discussed with me that the records
beyond 2019 that you cannot assist – and that you
cannot assist for the invoice attachment.”

10 Then she responds.

“As explained Mr – here Khomotso you would not
have access to invoices of 2015 anymore we have
changed our accounting program in December 2019
and our previous IT say which is blocked the problem
so we do not have access to it.”

The reason I am giving this to you Chair is because you have
investigated them. They say they no longer have it. It is
Thompson - it is – big company.

CHAIRPERSON: Hm.

20 **MR KOKO:** They can engage with them to get to the details.
But what I am saying to you me and my family six of us paid
– and it is all my blood kids – five girls; one boy we have
paid R372.

CHAIRPERSON: And how much did you pay them for the –
that is the travel agent there for the trip? I just wonder

whether there is any 00:02:19 with the R100 000.00 paid here.

ADV SELEKA SC: Chair there is a big company. I can – there is a break down per family member. My ticket – my ticket Matshela Moses Koko was R50 015.00. My wife was R50 015.00. My son who was then was R13 280.00. My other daughter Mogebeleke was R50 000.00. My other daughter Fatho was R50 000.00. My other daughter Mogade was R50 000.00. My other daughter Thatho was R50 000.00.

10 together it sums up R332 255.00.

CHAIRPERSON: Okay alright. Make it available to them they will make copies and then they will come into the bundle.

ADV SELEKA SC: Yes.

CHAIRPERSON: In due course.

ADV SELEKA SC: Thank you Chair.

CHAIRPERSON: Ja and then obviously that needs to be looked into.

ADV SELEKA SC: Yes Chair.

20 **CHAIRPERSON:** Ja.

ADV SELEKA SC: Okay. Mr Koko this question...

ADV BARRIE SC: Chair may I just point out something that pertains to the 00:03:43 and that is you will notice and I do not have those page numbers before me but the tax invoice number I see – well A99862 is the only page in this whole –

in these documents that do not have the policeman's stamp on it which every other page has a policeman's stamp on it.

CHAIRPERSON: Yes.

ADV BARRIE SC: This particular one for some reason does not.

CHAIRPERSON: So you just want to place that on record – what one makes of it is something for ...

ADV BARRIE SC: I am not sure what one makes of it.

CHAIRPERSON: For another time. Ja okay.

10 **ADV BARRIE SC**: Very well.

CHAIRPERSON: So you said Mr Koko that you have an idea of how it would have come about that on your version...

MR KOKO: Yes.

CHAIRPERSON: This – all of this was fabricated.

MR KOKO: Yes.

CHAIRPERSON: Tell me about that.

20 **MR KOKO**: Now that I – I am listened – I have listened and have gone through this. Remember that my visa and my tickets was done by Ms Daniels when I was in Dubai. Three members of my family came back through Doha and once my ticket was – once my visa was confirmed then my ticket on Qatar Airways was cancelled and then I got a booking on – on another airline – a popular airline. Now the – the payment for that and so for me it was very clear that the Qatar Airways was cancelled and they have moved the ticket

to another airline and there the costs let itself off. So – and the only payment I paid was the visa payment and I remember it was around R5000.00. So it was cleared of [?]. I do not owe anybody. I paid myself. If there is any other middle man that Suzanne interfered with I really want to get an explanation. But besides the – the face looking of these documents they do not look legit. They just do not look legit.

CHAIRPERSON: So you – you believe or suspect that somebody or a number of people may have collaborated to
10 fabricate this story against you based on this.

MR KOKO: Chair look at this document. Just looking at this documents – look at this document. I was issued a ticket on the 4th to the 20th that is false.

CHAIRPERSON: Hm.

MR KOKO: If – if it is a travel agent that has done the booking she will know – she will go into her system and she would give the proper details. She cannot get it wrong. And if she is paid by a cash deposit and she pulled the 00:07:45 just give your (inaudible) what it looks like. We know how
20 the – she will give you the right one.

CHAIRPERSON: And do the dates in the Thompson's Travel Agents – well the documents from Thompson's Travel Agents do they refer to the same dates of your travelling?

MR KOKO: Correct.

CHAIRPERSON: Ja from 23 December 2015 coming back on

the 5th of January.

MR KOKO: That is correct Chair.

CHAIRPERSON: 2016.

MR KOKO: That is correct.

CHAIRPERSON: They cover that period?

MR KOKO: That is correct.

CHAIRPERSON: And the amount is R300 and something thousand.

MR KOKO: That is correct.

10 **CHAIRPERSON**: Not R100 000.00?

MR KOKO: That is correct Chair.

CHAIRPERSON: Ja okay. I guess then the whole thing needs to be looked at.

ADV SELEKA SC: Yes.

CHAIRPERSON: Both in terms of the one travel – travel agents saying one thing and then saying the bookings were made through us and then the one saying the same thing.

ADV SELEKA SC: Yes.

CHAIRPERSON: Ja okay.

20 **ADV SELEKA SC**: Mr Koko please clarify on this one because on the one – the one trip you say you were in Indonesia the other one you say it is in Dubai. So the Dubai one I understand it to be on the 4th – the one on the 4th of January.

MR KOKO: It was one trip. Johannesburg.

ADV SELEKA SC: Ja.

MR KOKO: It was one trip. Johannesburg.

ADV SELEKA SC: Yes.

MR KOKO: Indonesia.

ADV SELEKA SC: Ja.

MR KOKO: Then Dubai. Three of my members Doha and then back to Johannesburg. It was one trip.

ADV SELEKA SC: Yes, no I am asking for clarification because at the Parliamentary Portfolio Committee your
10 response was you were in Dubai on the 3rd to the 5th so you have corrected it you say it is the 4th – you think it is the 4th January,.

MR KOKO: Yes – the – my 00:09:32 will be more factual than me.

ADV SELEKA SC: No sure.

MR KOKO: My attorney will be more factual than me.

ADV SELEKA SC: Yes.

MR KOKO: Than that.

ADV SELEKA SC: So that is at the one level so that we
20 understand – so if you say it was one trip throughout that period I mean then probably reference to December 2015 was not necessarily incorrect it was just that you were not in Dubai in that December but you were overseas in Indonesia.

MR KOKO: That is correct Chair.

ADV SELEKA SC: Yes.

MR KOKO: And this is – this is my point. People take gossip on the newspapers bring it into Parliament and bring it into affidavits. So the story that I was in Dubai in December when everybody was in Dubai it is false. It is blatant false. It is – it is added by people who are on a hunt. My – the records speaks for themselves.

ADV SELEKA SC: Yes, no but I think she did ask the question so that you can give a response which is fair enough. The other point of clarifications the emails that we
10 have been going through relates to you and two members. So there is a Koko x3.

MR KOKO: That is correct.

ADV SELEKA SC: But you have been mentioning you and are you saying six members or five members of your family?

MR KOKO: Six members.

ADV SELEKA SC: Six members.

MR KOKO: Three go to go through – come back through Doha and three go through Dubai.

CHAIRPERSON: Is six including you?

20 **MR KOKO:** Six including me.

CHAIRPERSON: Ja okay.

ADV SELEKA SC: Oh but Chair I think you need to just – so that the Chair can hear what you say there. So six go overseas to Indonesia.

MR KOKO: Yes.

ADV SELEKA SC: Three of the six come back.

MR KOKO: Through Doha.

ADV SELEKA SC: Yes.

MR KOKO: Through Doha.

CHAIRPERSON: They – ja they go to Doha and from there they come to Johannesburg.

MR KOKO: Yes.

ADV SELEKA SC: Yes.

MR KOKO: So – and then...

10 **CHAIRPERSON:** You split – the family splits.

ADV SELEKA SC: That is right.

MR KOKO: Yes.

CHAIRPERSON: Ja.

ADV SELEKA SC: Okay. So the other three then go to Dubai. And this information here relates to the three.

MR KOKO: Correct.

ADV SELEKA SC: Only, yourself, your wife and your son?

MR KOKO: Correct.

20 **ADV SELEKA SC:** This one we are dealing with here. And it is this information in relation to the three of you you say is incorrect.

MR KOKO: That is correct yes.

ADV SELEKA SC: The payment of R100 000.00 which is alleged to be made by Mr Essa you know nothing about it?

MR KOKO: I know absolutely nothing about it.

ADV SELEKA SC: The email that came from Mr Salim Essa and forwarded it to you through infoportal it had exactly – it related to exactly three persons.

MR KOKO: Three persons yes correct.

ADV SELEKA SC: Yes and a visa which was obtained. So what did you say about that email because it relates to this person who deposed to the affidavit?

MR KOKO: It is attorneys.

ADV SELEKA SC: The name appears there.

10 **MR KOKO:** Yes. It is exactly what I told the Chairman. Remember I said my – I paid R5000.00 for the visa and it was arranged by Suzanne and it came on the infoportal email address. That is the discussion – and that is why I am – I ventured on the explanation that I think could have happened. I really want to understand from Ms Daniels how if ever this is correct I doubt it is correct because I paid for myself. What is this mean? What is this concoction because at the face of it it is just not right.

20 **CHAIRPERSON:** But as far as she is concerned what part do you say is a concoction given the fact that as I understood your evidence you had asked her to make arrangements for you to – and your family members to obtain the visas that part?

MR KOKO: That is correct and I paid for it yes.

CHAIRPERSON: And – and she made arrangements.

MR KOKO: Correct.

CHAIRPERSON: And you and your family members got the visas.

MR KOKO: Correct.

CHAIRPERSON: And you paid R5000.00?

MR KOKO: Correct.

CHAIRPERSON: Now are you saying you do not know the details of what arrangements she made?

MR KOKO: I do not.

10 **CHAIRPERSON**: Hm.

MR KOKO: I do not.

CHAIRPERSON: And you did not find – you did not try and find out?

MR KOKO: I did not for a simple reason. I paid for the trip.

CHAIRPERSON: Ja.

MR KOKO: So the – the outcome makes sense.

CHAIRPERSON: Ja.

MR KOKO: I paid for it and it makes sense.

CHAIRPERSON: Hm.

20 **MR KOKO**: So there is nothing outstanding.

CHAIRPERSON: Mr Seleka do you want to take it from there?

ADV SELEKA SC: Yes. Mr Koko I think – you know that Ms Daniels does not accept that version.

MR KOKO: That was Ms Daniels accepted Chair.

ADV SELEKA SC: But you asked her to arrange – you asked her to arrange your travel.

CHAIRPERSON: Okay let us do this. We are at ten past five.

ADV SELEKA SC: Yes Chair.

CHAIRPERSON: Let us have an understanding. I am quite happy to – for us to proceed at this stage shall we say we would try and proceed and see where we are by what half past six?

10 **ADV SELEKA SC:** We...

CHAIRPERSON: Is that fine with everybody?

ADV SELEKA SC: Ja. Chair I have got...

CHAIRPERSON: Is that fine with you?

ADV BARRIE SC: As you please.

CHAIRPERSON: Yes Mr Koko is that fine with you?

ADV BARRIE SC: May – maybe we would really like to see the original (inaudible).

CHAIRPERSON: You would like to?

ADV BARRIE SC: See the original of this affidavit.

20 **CHAIRPERSON:** Oh okay. Okay yes.

ADV BARRIE SC: And I am...

CHAIRPERSON: I am sure arrangements can be made.

ADV BARRIE SC: No Mr Chair that has not happened. You – on every occasion that we have come here you said you sure arrangements can be made between me and Mr Seleka.

We cannot get any documents from Mr Seleka but we happen to.

CHAIRPERSON: But did you not tell me.

ADV BARRIE SC: We happen to a notice.

CHAIRPERSON: In the morning you got documents. Some of them last night.

ADV BARRIE SC: Ja we – we had to issue a notice in terms of the promotion of access to information act to get those cell phone records which you Sir assured us if we speak to
10 Mr Seleka then arrangements will be made. So we have a difficulty with that. We want you if at all possible to direct that the original of this document be produced to us.

CHAIRPERSON: Well let me say something that maybe I should have said earlier on. I think the last time you were here was the time when you still have not – had not received certain documents and I – I undertook that there was to be a meeting where I would be briefed fully and I indicated that after that meeting the commission would come back to you. But what then happened which I assume you may have been
20 told or may have understood is that on the Friday I think of that week I think the meeting that I had talked you about I contemplated was going to happen on the Saturday if I am not mistaken. On the Friday of that week I had to go into isolation because somebody...

ADV BARRIE SC: Yes, no.

CHAIRPERSON: So that disturbed the arrangement for a meeting and so on.

ADV BARRIE SC: No, no we are not saying that.

CHAIRPERSON: But subsequently I believe some documents or – were sent – 00:17:44. The original of the affidavit do you have it? Does the commission have it?

ADV SELEKA SC: Chair we have liaised with the other work stream to obtain this information so we will ..

CHAIRPERSON: You will give it...

10 **ADV SELEKA SC:** We will reach out to them to assist.

CHAIRPERSON: You will show the original to them.

ADV SELEKA SC: Yes.

CHAIRPERSON: Ja. There may be that the original should be left with the commission but if they want to see the original.

ADV SELEKA SC: Yes.

CHAIRPERSON: There is no reason why they should not see it.

20 **ADV SELEKA SC:** Chair can I – can I say something? Because every time my learned friend stands up he likes saying things about us – he has not been given this or the other but he fails and this goes into the public with misinformation. The submissions that he is making before you. When the Chairperson first made the order that the parties should liaise with each other in regard to the

telephone records they failed to do that. They wrote directly to the Chairperson and I responded to that letter and saying the Chairperson directed us that we should deal with each other to find an amicable resolution. I said that in the letter. Now he cannot stand here and say he is not getting any documentation from us and he refers to the telephone records when they have already been given to him by this time. And if he wants the original affidavit we will make the means also to get it to him and show it to him as the
10 Chairperson says. He will not be given that original he will have to have sight of it and then we retain them. Because he has been given that copy of the affidavit. And the other thing is Chair I think it is – it will be proper if my learned friend reserves his question for re-examination.

CHAIRPERSON: Ja.

ADV SELEKA SC: And not to interject every time when he sees that the witness is in trouble.

CHAIRPERSON: Hm.

ADV SELEKA SC: Just keep his questions and he can come
20 and clarify those things when he re-examines. We are wasting valuable time and Chair I got a note that you have an engagement but I am guided by you as to the time. We will certainly not finish but we will have to stop at some point.

CHAIRPERSON: Ja, no, no the – I think whoever gave you

the note the engagement is meant to be after we are done.

ADV SELEKA SC: Okay.

CHAIRPERSON: Ja no it is not meant to interrupt.

ADV SELEKA SC: Okay.

CHAIRPERSON: The proceedings. So I think – but in terms of I think Mr Koko I had just asked you whether it is fine with you if we review at half past six how far we will go this evening.

MR KOKO: I am happy Chair with the 00:20:38.

10 **CHAIRPERSON:** Okay alright. Mr Seleka you are fine?

ADV SELEKA SC: I am fine Chair.

CHAIRPERSON: Ja okay let us take a break now for ten minutes. It is quarter past – let us take a break for ten minutes and then we will resume.

ADV SELEKA SC: Thank you Chair.

CHAIRPERSON: We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS

INQUIRY RESUMES

20 **CHAIRPERSON:** Okay let us continue.

ADV SELEKA SC: Thank you, Chair. Mr Koko, I understand – I understood you to be saying this information you obtained from the travel agent. You obtained it when? After you received this affidavit?

MR KOKO: [No audible reply]

ADV SELEKA SC: I know that having looked at your transcript at the Parliamentary Portfolio Committee, that you were being asked about... Chair, can I just read? It is Eskom Bundle 15.

CHAIRPERSON: Ja, as long as you tell us where you are reading from.

ADV SELEKA SC: Yes, it is Eskom Bundle 15(B), page 1115.

CHAIRPERSON: H'm?

10 **ADV SELEKA SC:** And Mr Koko is being asked about the travel to Dubai. A number of your colleagues raised the issue of your stay at the hotel in Dubai and I want us to conclude this thing by making a concrete proposal on this particular one so that we can close it for once and for all but I am going to cut a long story short.

Then – because you are being asked:

“Are you then able to provide records which proves this committee wrong?

20 If you cannot do it now, can you commit yourself that you will submit these documents through the chairperson?...”

Okay it loses ...[intervenes]

CHAIRPERSON: Is that in the Portfolio Committee?

ADV SELEKA SC: At the Parliamentary Portfolio Committee.

CHAIRPERSON: Okay.

ADV SELEKA SC: So what the person is communicating with you Mr Koko, you will recall, is mister – is it Tsedi?

CHAIRPERSON: Who?

ADV SELEKA SC: Saying ...[intervenes]

CHAIRPERSON: Mister who?

ADV SELEKA SC: I think it is Tsedi. Is that how you pronounce it?

CHAIRPERSON: Oh, okay ...[intervenes]

10 **ADV SELEKA SC:** T-s-e ...[intervenes]

CHAIRPERSON: It is Tsedi.

ADV SELEKA SC: Yes.

CHAIRPERSON: Okay.

ADV SELEKA SC: So he was saying:

“We have documentation that shows somebody else paid for you. Can you show us that we are wrong, that you paid for yourself??

And then Mr Koko says:

20 “I think I was supposed to be here late last year. I approached them for a receipt and they sent it to me and I will make it available. A direct payment received, I will make it available.”

And he asked:

“By when should we expect it?”

And the response was:

“Tomorrow morning.”

This is the 24th of January 2018. Was that information provided to the Parliamentary Portfolio Committee?

MR KOKO: That is correct Chair. It was provided.

ADV SELEKA SC: So we will asking for that.

MR KOKO: I am happy to give you again what I gave Parliament.

10 **CHAIRPERSON**: Yes, I was about to ask whether what you gave Parliament is among the documents that you have made available or it is an additional document?

MR KOKO: It is actually in the bundle. Because it is in the – it is in the Eskom Bundle.

CHAIRPERSON: H’m?

MR KOKO: So the Commission has it.

CHAIRPERSON: Oh.

MR KOKO: You must go to my Eskom Bundle- my disciplinary bundle.

20 **CHAIRPERSON**: Yes.

MR KOKO: There you will find it.

CHAIRPERSON: Okay.

MR KOKO: And if you do not, I will give it.

CHAIRPERSON: Ja, okay.

MR KOKO: I will give it but the Commission has it.

CHAIRPERSON: Ja, okay.

ADV SELEKA SC: Okay thank you. Chair, I want to open the door to moving on.

CHAIRPERSON: Yes, so the investigators must just investigate the issue of there being two travel.

ADV SELEKA SC: Yes.

CHAIRPERSON: One of which has records that suggested they made arrangements and received it, the payment in respect of the same trip undertaken by Mr Koko and his
10 family members.

ADV SELEKA SC: Yes.

CHAIRPERSON: That needs to be investigated.

ADV SELEKA SC: Yes.

CHAIRPERSON: Ja.

ADV SELEKA SC: May I also ask Mr Koko, whether – okay...

CHAIRPERSON: Okay alright. You want to move on?

ADV SELEKA SC: Yes. That moving on Chair, there is a whole lot of things.

20 **CHAIRPERSON:** Well, before you move on.

ADV SELEKA SC: Yes?

CHAIRPERSON: I just want to put – mention this to Mr Koko. As I understand the position with regard to any association or alleged association between yourself and Mr Salim Essa. When it is said by Ms Daniels and

Mr Masango that on the 10th of March 2015, each one of them had separate meetings with you and Mr Salim Essa at Melrose Arch. Both of them are fabricating that story. Is that correct?

MR KOKO: That is correct.

CHAIRPERSON: Yes. When subsequently you received and sent emails using or you sent emails to the infoportal address and you received from them. Salim Essa may or may not be involved as far as you are concerned. At this
10 stage, we do not know what the position is.

All you say is, it was somebody from outside of Eskom. But you say Ms Daniels must have been – and you must listen carefully because I do not want to put words in your mouth – Ms Daniels must have been, once again, trying to get you to be associated or to be seen as associated with maybe Mr Salim Essa. And... That is two.

Three, when Mr Salim Essa is send by this travel agent to have been involved in making payment for your trip and the trip of your family members. It must be
20 somebody, once again, trying to get you to be seen as associated with Mr Salim Essa.

And all of them doing so without any good reason. That is – is my understanding correct that is the thrust of your – of the point you are making?

MR KOKO: Chair, there is period(?).

CHAIRPERSON: Sorry?

MR KOKO: There is period(?).

ADV SELEKA SC: Yes.

ADV SELEKA SC: When I sent information to infoportal, I was not talking to an external party.

CHAIRPERSON: In terms of what you knew?

ADV SELEKA SC: In terms of what I knew.

CHAIRPERSON: Yes, ja okay.

ADV SELEKA SC: I was not talking to an external party.

10 **CHAIRPERSON:** Yes, yes.

ADV SELEKA SC: That is one.

CHAIRPERSON: Ja.

ADV SELEKA SC: But two, the reason that person got me entangled in that mess on his or her part, it is not only to trap me in. I do not think that is all of it. But there must have been initially symbiotic beneficial relationship between that person and the outside who may or may not be Salim Essa. It can... What is in it for him to pull(?) in? What is in it? It must be a symbiotic beneficial relationship
20 between the external party and that person.

But I also want to add that the fact that mails were sent to me specifically by Ms Daniels and copies to this external party, shows you the extent of the rod. It may have been sent to me and copied to infoportal address which may or may not be Salim Essa by this person who I

think may have a symbiotic relationship with this external party.

CHAIRPERSON: Of course, I do know that you said the idea that Mr Salim Essa paid for your trip through this travel agent, Travel Excellence, is false. But the one about the emails, you are not saying Mr Salim Essa was not involved. All you are saying is, it was an external party and you did not know at the time that it was an external party but you accept now that it was an external party?

10 **MR KOKO:** I say much more but you are correct.

CHAIRPERSON: Yes.

MR KOKO: But I say there is a proven link.

CHAIRPERSON: Yes.

MR KOKO: Between Salim Essa's Gmail address and the infoportal email address.

CHAIRPERSON: Ja.

MR KOKO: That link is proven.

CHAIRPERSON: Ja, ja.

MR KOKO: So.

20 **CHAIRPERSON:** Oh, yes, ja. No, you are right. You are right. You accept, as you sit there now, that that link is there?

MR KOKO: Yes.

CHAIRPERSON: So that... I guess I am trying to be very careful not to put words into your mouth. So as you sit

there, you accept that the link involving the infoportal address and Salim Essa is there?

MR KOKO: Yes.

CHAIRPERSON: Ja.

MR KOKO: I am not saying it is Salim Essa. I am saying the link is there.

CHAIRPERSON: The link. Ja, ja, ja. It is – it is just interesting when one looks at this, at least at this stage, you know, there is still more evidence to be heard and the
10 investigation about the two travel agents, both claiming to have made arrangements, travel arrangements, you received payment.

It is like, if it is true, it is like Mr Salim Essa was following you. [laughs]. It is like there is – if the version – if the other version that you rejected were true. It is like maybe he got you involved in the meeting on the 10th of March.

Then he started sending emails – I assume – I cannot remember whether you started – you initiated the
20 emails or the person, the external party, as we – as you know it now, was the one to initiate.

Then there were those emails and then now on the version that you reject, if he seems to want to pay you for your travelling in circumstances where you have not asked. It is like his – if that version is correct, it is like he

is just following you.

You know what I mean? You might not be able to comment. I am just sharing with you what is going on in my mind.

MR KOKO: No, no, no. I hear you.

CHAIRPERSON: H'm, h'm.

MR KOKO: I have told you I have no relationship with Mr Essa. I have never met with Mr Essa or corresponded to Mr Essa telephonically or otherwise in 2015. I have
10 never done that. I have met Mr Essa in February – after the 10th of February 2016.

CHAIRPERSON: H'm, h'm.

MR KOKO: And I have met him, I think twice again, after releasing(?) my – it is in my affidavit. I have never met Mr Essa alone. No. I meet – I used to meet Eskom suppliers. I used to go to their offices and there is nothing wrong with that but I would never do it alone. I would never do that alone. There is nothing prohibiting me from doing that. It is just an awkward position to do. So I have
20 never done that.

CHAIRPERSON: Mr Seleka.

ADV SELEKA SC: Yes. Ms Daniels has testified, and I know you would have listened to this or watched it, that after her appointment as the Company Secretary, 1 October 2015, she met Mr Salim Essa at Eskom premises

as she was passing.

And Mr Salim Essa congratulated her on her appointment as the Company Secretary and told her that he was having a meeting with you. He was coming to see you, on that occasion. Your response?

MR KOKO: Once again, I have never met Mr Salim Essa in 2015, not at Megawatt Park, not anywhere.

ADV SELEKA SC: H'm. I know that your answer to the Chairperson or explanation to the Chairperson about you attending to suppliers' offices is in fact in relation to Trillian. You attended the offices of Trillian in Melrose Arch.

MR KOKO: Yes, yes. I am hesitating because I do not have it clear in my mind when the transition happened to Trillian but, yes.

ADV SELEKA SC: H'm. And ...[intervenes]

MR KOKO: The date in my submission. The date in my...

ADV SELEKA SC: You mean, your affidavit or your submission?

20 **MR KOKO:** In my affidavit.

ADV SELEKA SC: Ja. Well, I have picked that up, not from your affidavit but from your parliamentary testimony where you said – you were being asked about Mr Salim Essa and Trillian and McKenzie. And you mentioned that – you were asked specifically whether you went to their

offices. You said yes. You did not put a date to it.

You mentioned: They were at Megawatt Park providing a workshop. And you went to their offices because you meet with suppliers. And the question was: But if you say the services there were to render were falling outside of your department, why would you have to go to meet with that supplier?

MR KOKO: I have met with Mr Essa.

ADV SELEKA SC: And your response was: It is because
10 you are interested in the BEE component of the suppliers.
I can find the ...[intervenes]

MR KOKO: Oh, no, no.

ADV SELEKA SC: No, we can go ...[intervenes]

MR KOKO: I recall that, yes...

ADV SELEKA SC: But I did not see you indicating there that you have gone to those offices, not alone, with somebody. The – your version seems to be that it was you who had gone to their offices to meet with the supplier.

MR KOKO: [No audible reply]

20 **ADV SELEKA SC:** Yes?

MR KOKO: Chair, you know, I have kicked myself in the foot many times when this topic comes because – and I remember very clearly, it was a meeting late in the evening in Parliament when an Economic Freedom Fighter MP, EFF MP said to me: You are having secret meetings with the

suppliers.

I was livid and irritated because that is not what I said. The interesting part about that is that that comment was taken out of the parliamentary hearing and it had been highlighted that Mr Koko met Trillian – had secret meetings with Trillian and had therefore had improper relationship with Trillian.

That is not what I meant Chair. It is not what I meant. If they have asked me more details about the two
10 of them who I was with, I would have told them. I actually told them – I think I mentioned the workshop we had at Trillian in my answering ...[intervenes]

ADV SELEKA SC: At Megawatt Park. You said it was at Eskom.

MR KOKO: Uhm... I – the ...[intervenes]

ADV SELEKA SC: Ja, let me for the benefit of the Chairperson. Chairperson, let us go back to Bundle 15, which is Bundle 15 ...[intervenes]

CHAIRPERSON: Would I need to go there or you just
20 want for the reference?

ADV SELEKA SC: I think you may ...[intervenes]

CHAIRPERSON: IO need to go there.

ADV SELEKA SC: You may want to see.

CHAIRPERSON: Okay alright.

ADV SELEKA SC: Ja.

CHAIRPERSON: Just repeat what bundle, what page?

ADV SELEKA SC: Repeat the page number?

CHAIRPERSON: The bundle and the page.

ADV SELEKA SC: Oh, that is Eskom Bundle 15(A), page 1112.

CHAIRPERSON: Uhm...

ADV SELEKA SC: 1112. 1, 1, 1, 2.

CHAIRPERSON: 1112?

ADV SELEKA SC: Yes Chair.

10 **MR KOKO:** [Indistinct] [microphone not switched on.]

ADV SELEKA SC: Yes.

MR KOKO: Is that it?

ADV SELEKA SC: Sorry, 15(B). I beg your pardon.

MR KOKO: 15(B).

ADV SELEKA SC: Ja, the transcript... Sorry, Chairperson. The transcripts ...[intervenes]

CHAIRPERSON: She is giving me the wrong page.

ADV SELEKA SC: Ja, the – these files are forever ...[intervenes]

20 **CHAIRPERSON:** She did not change it.

ADV SELEKA SC: ...increasing Chair.

CHAIRPERSON: Did you say 15(A)?

ADV SELEKA SC: 15(B).

CHAIRPERSON: Ja.

ADV SELEKA SC: Not ...[intervenes]

CHAIRPERSON: She gave me A. 15(B), 1112?

ADV SELEKA SC: 1112, Chair. It is an exchange with Mr Dlamini, right at the bottom of the page.

CHAIRPERSON: It is at the Parliamentary Inquiry?

ADV SELEKA SC: Correct Chair.

CHAIRPERSON: Okay?

ADV SELEKA SC: And Mr Dlamini is asking:

“Do you know Salim Essa’s offices?”

Mr Koko says:

10 “I do.”

Mr Dlamini says:

“In Melrose, you have been to his office?”

Mr Koko says:

“I have visited him, yes. I have been to his office.”

Mr Dlamini then asked:

“What were you doing in his offices?”

Mr Koko says:

“We discussed the Trillian payments.”

20 Mr Dlamini:

“What position were you holding at that time when you went to their offices to discuss Trillian?”

Mr Koko:

“I was Group Chief Executive for Generation.”

Mr Dlamini:

“And that contract was under your department?”

Mr Koko:

“No, it was not.”

Mr Dlamini:

“So how did you leave your office at Eskom and go to Melrose to meet Salim Essa about the contract that is not yours?”

10

Mr Koko:

“We had a workshop with McKenzie and Trillian at Megawatt and we met the CEO of McKenzie that day. And through the CEO of McKenzie, we met him and the reason that I met him is because I am interested in all the BEE partners of the big suppliers. They raise the issue of payment and I said no.”

Mr Dlamini:

20

“You had a workshop with McKenzie and Trillian at Megawatt and you met the CEO of McKenzie and you leave the workshop to go and meet someone in Melrose. Is that the norm on an operation that does not sit within your department?”

Mr Koko:

“I mean they were suppliers. That is nothing unusual.”

And Chair it goes on but I will stop there. Let me see if I need to go any further. So Mr Dlamini says:

“Okay so you have visited your suppliers. What were they supplying you, McKenzie and Trillian? They just what? What? And they were ready to pay you. What were they supplying you?”

10 And then I think that should be Mr Koko:

“He had a project in Megawatt Park. McKenzie has been in Megawatt Park since 2011. In fact, earlier than that.”

Yes, so. Mr Koko, a couple of things from here. One is that – is the emphasis on the I. I have visited him as opposed to we, which bears on the explanation earlier that you have never gone alone to the suppliers. You have made sure that you go with somebody else.

20 So how do we understand this part which seems to be not in congruence with that explanation?

MR KOKO: Chair, and this is why I said I was kicking myself in the foot because I did not go alone. On two occasions I can remember which I have referenced in my submissions to this Commission in my affidavit... I generally do not go alone – I have never gone to the

suppliers alone.

And that is why even – if you see submissions from Mothepu and others, they will tell you: If we meet Mr Koko, he brings this guy. He brings this guy. We never met Mr Koko alone. I just do not do it. It is generally not me.

ADV SELEKA SC: Are you done?

MR KOKO: [No audible reply]

ADV SELEKA SC: Number two is, when exactly was this?

10 **MR KOKO:** The first time, I can tell you the exact proximation. It was after the 10th of February 2016.

ADV SELEKA SC: Okay when was the workshop?

MR KOKO: It was on the same day, actually.

ADV SELEKA SC: Yes, but ...[intervenes]

MR KOKO: It was on the 10th of February. That is why I met again. We had a press conference and then we had the workshop.

ADV SELEKA SC: And Trillian was never a partner to McKenzie.

20 **MR KOKO:** Correct. And the significance because the date of 10th of February is quite important because it is the 10th – it is the date in the afternoon after the press conference and the workshop that Ms Coetzer came to see me with an invoice of R 30 million for me to pay Trillian.

Again, you will see in her affidavit she says

when she came to meet me, I brought back Mr Mabelane. I brought with me Mr Mabelane.

And interestingly, on that day, I made sure I met her in a public space. So I met her in the foyer. So we sat there on the sofas in the foyer. And she asked me for payment.

I said to her I understand why you – Trillian wants to be paid directly by Eskom but I cannot. I cannot because we do not have a contract with you. There is no
10 reason why we should pay you. We will pay for the services done, McKenzie. You have a relationship with McKenzie, you do not have a relationship with me. So I cannot pay you.

And Ms Coetzer had put it in an un-doctored way and I agree with her how she put it. And I agree with you, we did not have a contract with...

ADV SELEKA SC: Well, that does not address the question I am asking. I think your answer was sweet and short, correct, that Trillian was never the BEE partner to
20 McKenzie?

MR KOKO: Correct.

ADV SELEKA SC: Ja. So then my next question is. Why did you have to go to their offices that you are interested in the BEE partners of the suppliers?

MR KOKO: Quite simply. I have done it before. And

Trillian was introduced to me in Eskom as a BEE partner of McKenzie. So I would interact with them in that manner. I was... SAGA arranged a meeting after the 10th as a follow-up to the meeting I had with Ms Coetzer at Megawatt Park, and when we ended up at – and I went, and I saw nothing wrong with going there, it is a business partner. When we go there, they raise the issue of payment again.

CHAIRPERSON: But I think part of the question Mr Seleka is asking or has asked which I am interested in, you
10 just find yourself ending up at Trillian's offices when you did not intend to go there or do you leave Megawatt Park with a clear intention that you are going to Trillian offices?

MR KOKO: No, no, no, I left Megawatt Park with the clear intention of ...[intervenes]

CHAIRPERSON: Going to Trillian offices.

MR KOKO: Trillian, there was no decoy.

CHAIRPERSON: Yes.

MR KOKO: There was nothing. Let us meet at Melrose Arch at Trillian's offices to discuss payment issues and
20 contra scope.

CHAIRPERSON: But precisely what Mr Dlamini in the portfolio committee was asking is something I am trying to understand too. You at Eskom are not the person involved on this issue of this payment, you are not involved in the transaction to which this payment relates, how do you

decide to go to discuss that issue at Trillian's offices?

MR KOKO: Good question.

CHAIRPERSON: Instead of them asking the right person to have a meeting with them to discuss that.

MR KOKO: Good question, good question and that is why I took the Commercial person with me and the project manager with me. The misconception that you see a lot is that the biggest scope, the biggest scope of McKinsey work was in technology and generation so people always
10 thought I am in charge but the Commercial do the transaction and once there is a contract then we use the contract but everybody thought Mr Koko is in charge and when we went there, I went to that meeting with one mind, one mind only, to kill this payment issue.

CHAIRPERSON: Yes, but as I understand the position unless you tell me that I misunderstand, why do you go to kill this payment issue when it has got nothing to do with you? Why do you not let people who are connected with that transaction go there?

20 **MR KOKO:** I did, Chair, I brought the people who were connected with the payment.

CHAIRPERSON: No, I mean go there alone, not without you because you must be having a lot of your own business schedule with matters that fall within your portfolio.

MR KOKO: Because part of what was going to be

discussed was a scope that was in my area.

CHAIRPERSON: What was – part of what was to be discussed was what?

MR KOKO: Was the scope.

CHAIRPERSON: Ja?

MR KOKO: What was being done.

CHAIRPERSON: Ja?

MR KOKO: Was in my area.

CHAIRPERSON: And what was that, what was to be done,
10 the transaction?

MR KOKO: No, it was not – what the – the contract with McKinsey, the design to cost one had different cost element to it and one of them was to get Generation to give to its cost, that is why we call it a design cost strategy and that was Generation's part and that was led by McKinsey and that is why I met them.

CHAIRPERSON: But you are moving from Megawatt Park with them, as I understand it, to go to Trillian, why do you not finalise the discussion here?

20 **MR KOKO:** No, Chair. No, Chair. The – Wickus was in the meeting, was at Megawatt Park, the Trillian guys were not at Megawatt Park.

CHAIRPERSON: I was under the impression that Trillian people were also in the workshop – was it a workshop?

MR KOKO: No, no, no, the McKinsey people

...[intervenes]

CHAIRPERSON: Only McKinsey were in the workshop.

MR KOKO: Yes, Trillian people were not there. We went to see the Trillian people.

CHAIRPERSON: Okay, alright, so – and whose idea was it that ...[intervenes]

MR KOKO: It was Wickus, it was McKinsey's Wickus.

CHAIRPERSON: McKinsey people who said let us go to Trillian offices?

10 **MR KOKO:** Yes.

CHAIRPERSON: And did you say that they said the purpose for going there was to discuss the payment?

MR KOKO: Payment and the transactions.

CHAIRPERSON: Ja, the transaction that you say related to your portfolio?

MR KOKO: Yes, design to cost.

CHAIRPERSON: Okay. Are you able to give more details what transaction that was that related to your portfolio?

20 **MR KOKO:** So they have looked at different issues in Generation but the first one, the biggest cost rival in Eskom Generation is what we call blank(?) unavailability, we call it energy availability but you get it under control, your cost collapses and that is a task I gave them for the fleet(?) and we did a case study at Majuba power station and they started focusing at Majuba power station. So that

what it was all about.

CHAIRPERSON: Mr Seleka?

ADV SELEKA SC: Thank you, Chair. Mr Koko, a couple of issues again. Your response to the parliamentary portfolio committee says not just McKinsey had a workshop, it says we had a workshop with McKinsey and Trillian at Megawatt, so it is both McKinsey and Trillian at Megawatt.

MR KOKO: Chair, the people at Megawatt for Trillian were – maybe I should correct that, they were very junior
10 people, they were, you know, in engineering terms we call them appies. They were appies, they were not discussing – there was no CEO of Trillian, for example, at Megawatt Park.

CHAIRPERSON: So it was not correct to say there were not Trillian people at Megawatt Park, there were but you say there were junior people.

MR KOKO: They were very junior people, they were appies.

ADV SELEKA SC: Yes. Number two, Ms Goodson's
20 affidavit about the meeting of the 10 February 2016, is that the meeting was arranged by Mr Salim Essa for her to come to you at Eskom Megawatt Park which is what happened. She met with you there about the invoice that – or a payment that Trillian wanted to be paid directly to them. So that meeting about the payment was there at

Eskom, correct?

MR KOKO: That is correct.

ADV SELEKA SC: So why did you then have to go to Melrose Arch again after that?

MR KOKO: Because, Chair, I said there was a follow-up meeting after the meeting of the 10th, one. Two, I do not know who arranged the meeting for Ms Khusela I deal with it in my affidavit. For all I know, Ms Khusela was in the press conference that we came from, I think she walked
10 with us from the press conference. I do not know who arranged that meeting when I said no. Clearly when she went back to her principals they arranged a follow-up meeting with McKinsey and they added other topics which I found of interest and I took my people to go with.

ADV SELEKA SC: Yes but what I am saying to you is or trying to understand from you because you have already refused Ms Goodson's request which is actually Mr Salim Essa's request for a payment to be made directly
...[intervenenes]

20 **MR KOKO:** It was not Mr Salim Essa's request, it was Ms Goodson's request.

CHAIRPERSON: Hang on, Mr Koko, let Mr Seleka finish.

ADV SELEKA SC: That is Mr Goodson's version because she did not come there on her own, the meeting was arranged, she says in her affidavit, he met with you to

convey the request of Mr Salim Essa for a payment to be made. You – we know from you and her that you said you were not going to make the direct payment, so if you “killed” the payment issue in that meeting, what was the need for you to go to Melrose Arch?

MR KOKO: No, Chair, I said not Ms Goodson, the meeting did not end well and I walked away quickly(?).

ADV SELEKA SC: What do you mean by that, sorry? That it did not end well?

10 **MR KOKO:** She says in her affidavit – she says the same in her affidavit.

ADV SELEKA SC: No but it is not because of that meeting, she says she broke down because she felt the McKinsey people were sidelining her.

MR KOKO: That is what I mean, the meeting did not end well in that meeting. The meeting I was with her, the meeting did not end well.

ADV SELEKA SC: Please, Mr Koko, can you explain what you mean by the meeting did not end well?

20 **MR KOKO:** Because she cried in the meeting.

ADV SELEKA SC: For what reason?

CHAIRPERSON: Okay, let me make sure that follow this ...[intervenes]

MR KOKO: Does not matter why she cried.

CHAIRPERSON: Mr Seleka, you referred to a person that

you said is giving or has given a version about Mr Essa's request I think to Mr Koko for payment, who did you say that person was?

ADV SELEKA SC: Ms Goodson.

CHAIRPERSON: Ms Goodson?

ADV SELEKA SC: Yes, Bianca Goodson.

CHAIRPERSON: And in terms of her version when was that, when she made that request on behalf of Mr Salim Essa to Mr Koko?

10 **ADV SELEKA SC:** The date of the meeting is the 10 February 2016, Chair.

CHAIRPERSON: 10 February, okay. And Mr Koko you accept that there was such a meeting with her?

MR KOKO: Yes.

CHAIRPERSON: Okay and you accept that she was there to convey a request that payment be made to Trillian?

MR KOKO: A request from who?

CHAIRPERSON: A request for you for payment. I am checking the facts.

20 **MR KOKO:** No, I do not accept that, she never ...[intervenes]

CHAIRPERSON: You do not accept that.

MR KOKO: I do not accept that she was there to convey request.

CHAIRPERSON: Okay, what on your version

...[intervenes]

MR KOKO: She came to ask me to pay for the invoice.

CHAIRPERSON: She was there to ask you to pay for an invoice?

MR KOKO: To pay Trillian directly.

CHAIRPERSON: Ja, that previously sent an invoice.

MR KOKO: Yes.

CHAIRPERSON: Yes. And you refused.

MR KOKO: Well, I told her why it cannot be done.

10 **CHAIRPERSON**: Yes, yes, yes. And you say at the end of that meeting she cried.

MR KOKO: Yes.

CHAIRPERSON: Why was she crying? I think you have explained that, I just want to make sure.

MR KOKO: Why?

CHAIRPERSON: Ja, why.

MR KOKO: Chair, remember I said I met her in the public.

CHAIRPERSON: Oh, she is the one that you met in the open?

20 **MR KOKO**: Yes.

CHAIRPERSON: Ja.

MR KOKO: From the beginning I did not feel comfortable meeting her in my office because she – I met her once or twice but the person I met on that day was not normal person.

CHAIRPERSON: Did not appear to be the way you knew her.

MR KOKO: She did not appear the way I know her.

CHAIRPERSON: Okay.

MR KOKO: That is why I call Mr Mabelane and I called – and we met outside. We had a very cordial fruitful productive conversation.

CHAIRPERSON: Conversation?

MR KOKO: Yes.

10 **CHAIRPERSON:** On that day?

MR KOKO: On that day. I understood her problems and her problems were not unique, I have heard them before and she had taken them quite seriously and she clearly was hurt by what she was going through.

CHAIRPERSON: Was that personal stuff?

MR KOKO: It was work-related.

CHAIRPERSON: It was work-related.

MR KOKO: It was related to how she felt she was treated by McKinsey.

20 **CHAIRPERSON:** Okay, okay.

MR KOKO: And over and above her asking for the payment to be paid she opened up and ...[intervenes]

CHAIRPERSON: On work-related issues.

MR KOKO: On work-related issues.

CHAIRPERSON: Okay.

MR KOKO: On me and I could hear her, I could emphasise, I could sympathise with her and I committed to her and – but at the end I think she just could not take the pain.

CHAIRPERSON: Okay.

MR KOKO: And that I am saying it did not end well.

CHAIRPERSON: Okay, okay. But the not ending well had nothing to do with the issue of the payment ...[intervenes]

MR KOKO: No, no, no, no, no.

10 **CHAIRPERSON:** It was personal stuff.

MR KOKO: No, no, it had nothing – the payment had nothing to do with this, it is just what she was going through in her relationship with McKinsey.

CHAIRPERSON: Okay, okay.

MR KOKO: So, for example, I asked her, we have a contract with you – and we had a contract with them then, the least for me, as a BEE partner where you are meaningfully engaged by McKinsey and at that point emotionally she took a dip as she was trying to list where
20 she should be involved and she was not involved. I even asked her are you involved in primary energy? Are you involved in this, are you involved in this and her answers sent her into a negative pain and eventually it was not nice. So I walked away, politely, I did not just – I did not just...

CHAIRPERSON: Okay.

MR KOKO: I made sure she does not [indistinct – dropping voice] But that is what happened on that day.

CHAIRPERSON: And you say that what made you uncomfortable to meet with her in your office was the way she looked?

MR KOKO: Yes.

CHAIRPERSON: In terms of you thought she was not her usual self?

10 **MR KOKO:** Yes. She – remember we used to have a - you do not remember, we used to have steering committee meetings and she is a very pleasant person, she is very pleasant but that day she was not.

CHAIRPERSON: But I am just trying to understand, if you are used to meeting with somebody in your office and she is a pleasant person, generally speaking.

MR KOKO: No, no, I have not met her in my office actually.

20 **CHAIRPERSON:** Oh, you have never met her ...[intervenes]

MR KOKO: I have never met her, I do not recall her meeting in my office.

CHAIRPERSON: Oh, okay, I though you said you decided on that day that you did not want to meet her in your office, you wanted to meet her outside [inaudible – speaking

simultaneously]

MR KOKO: No, I decided that on that day I am not
...[intervenes]

CHAIRPERSON: Ja, you had never met ...[intervenes]

MR KOKO: I have never met her in the office, that would
have been the first day.

CHAIRPERSON: Oh, okay. Had you met her in a
boardroom within Eskom?

MR KOKO: Yes, we had, yes, yes, yes and that is why I
10 know her problem.

CHAIRPERSON: Okay but on this occasion you did not
even want to be in a boardroom with her.

MR KOKO: Yes.

CHAIRPERSON: You wanted to be outside.

MR KOKO: Yes.

CHAIRPERSON: Ja. Mr Seleka?

ADV SELEKA SC: Yes, thank you, Chair. Ms Goodson is
yet to testify, Chair, but obviously Mr Koko having been
provided with her affidavit has addressed those – Ms
20 Goodson’s averments in his affidavit and I would just like
to read passages from her affidavit. I will read them on
record because Mr Koko knows them. She writes –
because it is in another Eskom bundle 14, says:

“Essa had arranged for me to meet with Matshela
on 10 February 2016 at 14.00 to discuss issues that

I was encountering with McKinsey. My working relationship with the McKinsey partners had become strained as I felt that TMC...”

Which is Trillian Management Capital.

“...was not being included in decision-making in relation to the Eskom programme. At that time I did not understand the resistance on the part of McKinsey to include TMC in decision-making.”

Then there is a paragraph 32.4:

10 “Once the meeting was confirmed I was instructed by Angel on behalf of Essa to convey a message to Matshela articulating Trillian’s request that invoices are submitted to Eskom directly and paid directly to Trillian not via payment from McKinsey.”

So this is where I am saying on her version the request was coming from Mr Essa, Salim Essa. And then she goes on to say:

20 “I met Matshela in the executive off of Megawatt Park and we had a discussion in the open lounge area. Matshela requested that Mabelane join us. Matshela enquired about TMC’s representation on the various modules. I gave him feedback. He was concerned there was representation on Primary Energy work stream and wanted to know what I was doing about it. Given my background in the mining

industry I told him that I would be involved directly. However, my involvement in this work stream did not materialise. When we spoke about TMC direct invoicing to Eskom, as I had been instructed to do, Matshela responded that he understood TMC's request to invoice directly but could not support it. Simply put, there were no contracts in place between Eskom and TMC. At some point I cried in front of Matshela and Mabelane, my emotion was driven by relentless altercations with McKinsey team. Matshela and Mabelane displayed empathy towards my engagements with McKinsey and gave me the sense that I was not crazy. I found it difficult to compose myself so the meeting was short. I returned home and told no one about my breakdown apart from my family. At 8 a.m. the next morning Angel called and asked why I broke down. He was told by Essa who was informed by Matshela."

10

20 **CHAIRPERSON:** I am sorry, just say those last two sentences?

ADV SELEKA SC:

"I returned home and told no one about my breakdown apart from my family. At 8 a.m. the next morning Angel called..."

CHAIRPERSON: Which will be the 11 February 2016.

ADV SELEKA SC: That is correct.

CHAIRPERSON: Ja.

ADV SELEKA SC:

“...Angel called and asked why I broke down. He was told by Essa who was informed by Matshela.”

CHAIRPERSON: And who was – is it Angel or Angela?

ADV SELEKA SC: Angel is Clive Angel of Trillian, Clive Angel.

10 **CHAIRPERSON:** Oh, Clive Angel?

ADV SELEKA SC: Yes. So what is striking there, Mr Koko, is the basis of your refusal to pay McKinsey directly – Trillian, I beg your pardon, that they did not have a contract with Eskom.

MR KOKO: That is correct but Chair, I need to comment on what you read.

ADV SELEKA SC: Yes.

20 **MR KOKO:** The only person I talked to after the meeting of the 10th was Mr Sagar. I gave him feedback on the meeting I had with her, I have met your subcontractor and I agree with her on the following issue. That is all. I never talked to any other person.

CHAIRPERSON: The one you say you spoke to, you said what is the name?

MR KOKO: Sagar, Mr Sagar.

ADV SELEKA SC: S-a-g-a-r.

MR KOKO: Yes. He was a McKinsey director, I think.

CHAIRPERSON: Ja. Okay, alright.

ADV SELEKA SC: Yes. Yes, that understanding on your part that Eskom did not have any contract with Trillian, it is a well-grounded understanding for your refusal to make a payment but it still begs the question – and I am sorry, I am going back to it, but why did you then need to go to Melrose Arch to visit Mr Salim Essa and talk about
10 payments?

MR KOKO: Because I did not see anything wrong in doing that.

ADV SELEKA SC: No, I am not saying it is wrong or right, I am asking you why after having given a well-grounded reason why you cannot pay Trillian directly that you still see the need to go to Trillian with whom you have no contract, as Eskom.

MR KOKO: But they are subcontractor of McKinsey, you do not understand, they are subcontractor of McKinsey,
20 they are on my site, they are working on my site.

ADV SELEKA SC: Yes, so what does that make?

MR KOKO: That is why I had met Goodson.

ADV SELEKA SC: That is why?

MR KOKO: That is why I met Goodson.

ADV SELEKA SC: No, no, no, why did you have to go to

Trillian offices at Melrose Arch .

MR KOKO: Because, Chair, I did not see anything wrong in doing that.

ADV SELEKA SC: Ja but it is not a question of right or wrong.

CHAIRPERSON: Let us look at it. The payment that Ms Goodson talked to you about was a payment that was, as far as they were concerned, meant to be made to Trillian, is that correct?

10 **MR KOKO**: Correct.

CHAIRPERSON: Trillian had not contract with Eskom, is that right?

MR KOKO: Correct.

CHAIRPERSON: Did Trillian have a contract with McKinsey?

MR KOKO: Correct.

CHAIRPERSON: And McKinsey had a contract with Eskom.

MR KOKO: Correct.

20 **CHAIRPERSON**: Trillian was a subcontractor of McKinsey.

MR KOKO: Correct.

CHAIRPERSON: The payment that there were looking – okay, the payment arrangement in terms of the subcontract between Trillian and McKinsey, one would expect, if when they are a subcontractor, that it would be a matter between

McKinsey and Trillian and not Eskom.

MR KOKO: Correct.

CHAIRPERSON: That would be correct.

MR KOKO: Correct.

CHAIRPERSON: So how did it come about that they were approaching Eskom for a matter that they should be approaching McKinsey? What was your understanding of why you were bothering you about this issue?

MR KOKO: I was familiar with what was happening, it was
10 happening not only with Trillian and McKinsey, it is still happening today, where you have big suppliers, Eskom has got a requirement of supply development, they subcontract to the big guy and it is nice at the beginning and when things go wrong, that is who they go to first, they come to Eskom. The supplier development programme of Eskom is full of these problems and Eskom executives engage with the subcontractors to understand what is going on and where they can help they will help, where they cannot, they cannot. It is nothing unusual.

20 **CHAIRPERSON**: So when you say when things go wrong, I take it you mean when the main contractor does not pay them?

MR KOKO: Generally, and I have seen this happening many times, the main contractor at Eskom and these subcontractors starts having their own problem.

CHAIRPERSON: The main contractor and the subcontractor.

MR KOKO: Yes and their BE partner.

CHAIRPERSON: Ja.

MR KOKO: There starts to be a fall out for whatever reason. And the BE partner feels powerless in this relationship.

CHAIRPERSON: Ja.

MR KOKO: And where do they run to? They go to Eskom
10 and say, you know, you have awarded this guy a contract on the basis of this specification and he is not playing ball, please help us. Generally what Eskom does, where they can mediate, they will do, but they do not get involved in the contractual issues. Happens often and all the time.

CHAIRPERSON: So you went to that meeting at Trillian in that context.

MR KOKO: Correct.

CHAIRPERSON: Okay. Mr Seleka?

ADV SELEKA SC: Did you do the same with McKinsey?

20 **MR KOKO:** Same what at McKinsey?

ADV SELEKA SC: Did you go to McKinsey to talk about payments?

MR KOKO: McKinsey did not raise a payment issue.

ADV SELEKA SC: Sorry?

MR KOKO: McKinsey did not raise a payment issue.

CHAIRPERSON: Okay, maybe let us start this way. Did McKinsey ever have issues or complaints of payment against Eskom?

MR KOKO: No.

CHAIRPERSON: They did not?

MR KOKO: No, no, they never did.

CHAIRPERSON: Yes.

MR KOKO: They never did.

CHAIRPERSON: And at the meeting at the Trillian offices
10 was McKinsey represented as well?

MR KOKO: Correct.

CHAIRPERSON: So it was the client that is Eskom, the main supplier, that is McKinsey.

MR KOKO: Correct.

CHAIRPERSON: And the subcontractor Trillian.

MR KOKO: Correct, correct. And this problem, Chair, are normally – they normally arise from the BE guys, not from the main guy.

CHAIRPERSON: Ja, okay.

20 **MR KOKO:** The main guy dictate terms.

CHAIRPERSON: Okay, Mr Seleka?

ADV SELEKA SC: Thank you, Chair. We will come to the details of McKinsey/Trillian, Mr Koko, because we know from the evidence that in fact the SLA, service level agreements/MSA, master service agreement between

Eskom and that was supposed to be the agreement between Eskom and McKinsey had some suspensive conditions and CDH advised that it appeared that those conditions had not been fulfilled and therefore the agreement never came into being, which means there was no agreement as a matter of fact or law between Eskom and McKinsey.

MR KOKO: Chair there was an agreement that I signed, so I don't know what Mr Seleka is talking about, I signed a
10 contract with McKinsey for R101million in September, a valid contract and till today I still think it is valid. The MSA I cannot comment to the MSA but I signed a contract with McKinsey for R101million and the contract that I signed had nothing to do with CDA so there was no conditions, suspensive conditions whatever.

ADV SELEKA SC: H'm. What was that contract?

MR KOKO: Contract designed to cost it was a 101million contract, 101million contract signed in September 2015, I signed that contract, it was signed by me.

20 **ADV SELEKA SC:** You're calling out?

MR KOKO: I beg your pardon out, you are going to take me to task for this. I signed the letter of award.

CHAIRPERSON: The letter of award?

MR KOKO: Yes.

CHAIRPERSON: Yes.

MR KOKO: The contract was signed by somebody else.

CHAIRPERSON: Okay.

MR KOKO: But the letter of award was signed by me.

CHAIRPERSON: Okay.

ADV SELEKA SC: Yes, what was it for?

MR KOKO: That is for the designed cost, so Chair what happened is this ...[intervenes]

ADV SELEKA SC: No I want to get that, design costs.

MR KOKO: Designed to costs yes, costs, yes I think I
10 have seen different terms used to it, I think in certain documents they call it a business plan.

ADV SELEKA SC: And you signed it September 2015.

MR KOKO: September 2015.

CHAIRPERSON: No, he said somebody else signed it.

MR KOKO: I signed the letter of award.

CHAIRPERSON: Ja, the letter of award you signed but the actual contract.

MR KOKO: The contract was signed by Mr Mabuyane.

CHAIRPERSON: Ja, okay.

20 **ADV SELEKA SC:** And for how long was that contract?

MR KOKO: I think it was meant to be a couple of months, I don't think September, October, November, December, February, it was meant to be five months.

ADV SELEKA SC: Yes, but that contract is in – if it is September 2015 it predates the interaction here we are

talking about, which is in February 2016.

MR KOKO: That is correct, so ...[intervenes]

ADV SELEKA SC: It is not relevant to what we are talking about.

MR KOKO: No, but the contract we are dealing with Ms Goodson and the invoice was under that contract.

ADV SELEKA SC: Because in September 2015 there was no Trillian, it was Regiments.

MR KOKO: Of course and that is why Chair I hesitated
10 about the transition, that is why I hesitated about the transition. We signed a contract for R101million ...[indistinct] design to costs, I took it to the Board, I signed the letter of award and Mr Mabuyane signed the contract. The invoice we are talking about, that R30million contract, the invoice we are talking about, was under the contract that I signed, that I took to the Board, and it is one of the reasons that they kept on coming to me.

CHAIRPERSON: You may relate it to the letter of award that you signed?

20 **MR POPO:** Yes.

CHAIRPERSON: Ja, and the contract that the Mr Mabuyane signed?

MR POPO: Yes.

CHAIRPERSON: Okay.

ADV SELEKA SC: Ja, ja I think we are going to end here,

the other issues we will have to traverse in – but let me ask you this before we adjourn Mr Koko, if Regiments – okay, let me put it this way, the contract relative to the letter of award that you signed did it include a sub-contractor?

MR KOKO: It includes a BEE partner, we always ...[intervenes]

ADV SELEKA SC: Whose name was not identified.

MR KOKO: No, no, no the name was not identified.

10 **ADV SELEKA SC:** The name was not identified?

MR KOKO: No it was not in there.

ADV SELEKA SC: Did you know who is the BEE partner?

MR KOKO: I knew eventually, I knew after the contract was signed.

ADV SELEKA SC: Who was the BEE partner?

MR KOKO: Regiments, which later became Trillian.

ADV SELEKA SC: Yes, but Trillian didn't have a contract with McKinsey.

MR KOKO: And then?

20 **ADV SELEKA SC:** I am not sure why you ...[intervenes]

CHAIRPERSON: Well isn't the position Mr Koko that first there was Regiments.

MR KOKO: Yes.

CHAIRPERSON: But at a certain stage there was Trillian.

MR KOKO: Correct.

CHAIRPERSON: But when there was Trillian there was also Regiments.

MR KOKO: No.

CHAIRPERSON: They both existed at the same time, at a certain stage, in other words you can't say Regiments so to speak died and Trillian took its place, isn't the position that once there was Trillian there were two entities, one called Regiments and another one called Trillian?

MR KOKO: No Chair I only saw one face, I saw one – I
10 saw McKinsey and its partners, that is all that I saw.

CHAIRPERSON: So you mean you did not know at any stage that whilst there was Trillian there were two separate entities?

MR KOKO: No, no.

CHAIRPERSON: You thought they were, you thought there was one entity that changed its name.

MR KOKO: Yes, but I also knew something in March, I knew that the relationship between McKinsey and Trillian failed on a due diligence.

20 **CHAIRPERSON:** H'm, h'm. Mr Seleka you were thinking we could adjourn now, let's talk about how much time you still need with Mr Koko.

ADV SELEKA SC: Yes.

CHAIRPERSON: That's just for purposes of me having a good idea when we adjourn how much time.

ADV SELEKA SC: That's right Chair.

CHAIRPERSON: I know it sometimes can be difficult to give an estimate, because things don't always go as one plans.

ADV SELEKA SC: Chair we haven't touched the transactions, so we need another day at the very least with Mr Koko, one full day.

CHAIRPERSON: H'm, okay.

ADV SELEKA SC: But that is even on that score a
10 conservative estimation Chair, but we will try our best.

CHAIRPERSON: Okay maybe we can adjourn but when on the day that – maybe if we use evening sessions we may use, we might have to use two evening sessions, if we have a clear day starting in the morning then we can use the whole day and try going into the evening as well, then hopefully we can finish.

Maybe we can adjourn, I think that there has been cooperation from everybody that if we need to use evening sessions we use them. Mr Barrie Mr Seleka suggested we
20 adjourn now but obviously try and find another day, either a clear day where we will start in the morning and use the whole day, if we need to go into the evening we do so and try and finish and I am just adding that in case another option might be to use maybe two evening sessions, we could have, if we have three days on each day we end up

with six days of evidence, six hours I am sorry, three hours per day per evening session that takes us to six hours and it may well be we might even make it four hours, depending, is that fine with you?

ADV BARRIE SC: That is in order, again subject to everybody's availability.

CHAIRPERSON: Yes.

ADV BARRIE SC: It must be strike two, it is not a rugby match but because of the dentistry that didn't - so he has
10 to go in for an operation for that, so that might, but we will deal with it.

CHAIRPERSON: Yes, no, no that is fine, if we are looking at a day that is too close, is close then there will be no negotiation, if it is a day that gives you reasonable notice and then we can just fix a date as we normally do.

Okay Mr Koko you understand? Yes, okay. Alright, thank you to everybody, let's adjourn for the day and then we will find another day or evening for Mr Koko's evidence to be continued, and tomorrow's evidence who will I be
20 hearing?

ADV SELEKA SC: It is Mr Brian Molefe Chair.

CHAIRPERSON: Mr Brian Molefe?

ADV SELEKA SC: Yes.

CHAIRPERSON: Okay alright, thank you. We adjourn.

REGISTRAR: All rise.

INQUIRY ADJOURNS TO 2 MARCH 2021