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Zondo commission – Commission’s narrow focus unfortunate, says Molefe

Brian Molefe has again blasted the state capture commission for its selective approach to evidence, focusing only on the interests of the Gupta family when there are many other private businesses that have escaped scrutiny. He returned to give testimony on Thursday evening over his term as Transnet GCEO, after the afternoon session with President Cyril Ramaphosa was concluded.

“State capture is one of those things that happen all the time, everywhere. I just feel that there was a convenient use of the term to probe certain things in a bigger fight.” He did not mention who the fight was between.

“There was a fight that was going on and the parties to the fight decided to use a particular set of events,” Molefe said in response to a question asked by his counsel, Advocate Thabane Masuku during a re-examination, on whether or not he had gained a better perspective of the concept of state capture over the course of several appearances before the commission.

“And the other party that was also involved in the fight could have used another set of events, and we would still be here. I feel like it was a tactic that was being used that we would get this term, and so on.”

He further cited what he called an important issue of the “extortion” on the part of Glencore in relation to the R470 per tonne of coal it wanted Eskom to pay, in 2015. “I appreciate the fact that we’re trying to get to corruption, but we’re just looking at corruption of a particular type.”

It was unacceptable behaviour by Glencore, he added. Molefe raised the Glencore rate in previous testimony when he defended his support for the removal of Glencore as coal supplier to Eskom, saying the company had grown arrogant in its approach to negotiations with Eskom, while failing to provide value for money.

“My feeling is that we did not get to the core of state capture itself ... what has been unearthed here is just a tip of the iceberg.”

Chairperson Deputy Chief Justice Raymond Zondo agreed with the last point: “I do think what the commission has unearthed is indeed a tip of the iceberg. We did not deal with municipalities, and there are many provincial government departments we didn’t get to. There are many national departments we didn’t get to.”

On the Glencore matter, Zondo added, he had acted on an allegation pointed out by Molefe in a previous appearance, and the commission pursued it further.

Earlier on in the re-examination by Masuku, Molefe cited an example of Transnet property, in the form of artwork by renowned late South African painter JH Pierneef, that he says is now in the care of businessman Johann Rupert in terms of an agreement with the Transnet Foundation. Why has a matter like this not found itself under the commission’s radar? he asked.

“Those paintings are very, very expensive at the moment. They belong to Transnet, but they have been given to Mr Johann Rupert to look after and they are in a private museum in Franschoek ... why is that issue not of interest, if Bosasa is of interest? I’m not saying there was corruption. In fact, there may be a legitimate loan agreement with the foundation. But it is a family that had an interaction with Transnet.”

Zondo had a response for Molefe: “But Mr Molefe, in 2018 and 2019, I went on TV and radio and said anyone who has information that could fall within the terms of reference must bring that information. You didn’t bring that information to the commission.”

Molefe asked if it would have been investigated, to which Zondo replied he would have had a better case.

“Actually, I was just making an example. I did not wanted to exacerbate it, I just wanted to show that there is a myriad of issues that have gone on that could have been investigated, but anyway,” Molefe replied.

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