



**25 May 2021**

### **Zondo commission – No Zuma in Eskom meeting, says Myeni**

Former Eskom chairperson Zola Tsotsi lied to the state capture commission about Jacob Zuma interfering in the power utility's affairs in March 2015. His then counterpart at South African Airways (SAA), Dudu Myeni, told this to the commission on Tuesday.

"I have highlighted before the commission ... it is unfortunate that siyikha phezulu (we're skimming off the top) of the issues at Eskom. We're not delving into the real issues that led to Mr Tsotsi meeting me first," said Myeni, adding that the commission loves placing Zuma in matters that he is not involved in.

Myeni returned before the commission to answer questions about meetings on 6 and 8 March 2015 with Tsotsi and legal consultant Nick Linnell, to discuss Eskom challenges at the time. She said going into the second meeting of the 8<sup>th</sup> – which Tsotsi and Linnell said included Zuma - she was not privy to the actual issues that the former wanted to discuss. Tsotsi had asked a man by the name of Jabu Maswanganyi to approach Myeni on his behalf, to seek a meeting with her.

She told the commission that he wanted two things from her: to get her advice on how he could go about getting a legal advisor for Eskom, and also to meet Zuma as he had something to discuss with him. Neither Maswanganyi nor Tsotsi disclosed to her the reason for wanting to meet with Zuma.

Myeni did not deny Tsotsi the opportunity to meet the president, as she was typically asked for this by many other people, given her close association with him through his foundation. However, had she known that she'd have to answer questions on that in future, she would not have done so.

"If I knew what Mr Zola Tsotsi wanted to meet the president about in detail, I would have said take your minister to Mr Zuma."

What Myeni has learned since the period in question is that Tsotsi did not operate in good faith, she said, and was not honest about his reasons for seeking Zuma's ear. "I was disappointed to learn that Mr Zola Tsotsi wanted to hide behind me on issues of corruption that he was involved in at Eskom himself."

Myeni and Tsotsi's first meeting was in Pretoria, where he repeated Maswanganyi's message that he needed to acquire the services of a legal advisor. In response to this, Myeni told the commission, she advised Tsotsi that to get such for Eskom, he would have to get the backing of his entire board, and have it take the form of a resolution.

She later facilitated the second meeting, which happened at Zuma's official home in Durban, as Tsotsi and Linnell have testified. But, Myeni said, unlike in their versions, she did not chair the meeting, nor did she participate in a discussion about Eskom's challenges. The discussion was not on a potential inquiry into the state of affairs at Eskom, and the need to suspend executives in respect

of that, as the other two have said. Myeni said she would remember what the discussion was on the day, if she had her diary, but could not recall.

She did remember, however, that Zuma never joined the meeting, nor did he make any input on Eskom matters. “This commission loves Mr Zuma. It really adores Mr Zuma. Even on matters that have nothing to do with him, it drags his name into that matter.”

But why would the two men go to such lengths to implicate her in such a serious matter, asked commission chairperson Deputy Chief Justice Raymond Zondo.

“Why would Nick Linnell conspire with Zola Tsotsi and do something against me? It’s for one simple reason, chair. I am associated with the former president Jacob G Zuma through his foundation. That’s the only reason.”

Earlier in the day, Zondo had given a directive to the commission’s secretariat to lay a police complaint against Myeni for her failure to comply with a summons for her appearance on Tuesday morning. Her legal representative, Advocate Nqabayethu Buthelezi, moved an application for her testimony, scheduled for 09h00, to be postponed. The commission’s legal team opposed this, and revealed, through the aviation work stream’s Advocate Kate Hofmeyr, that Myeni had been unco-operative with them.

Hofmeyr said there had been many attempts to get her oral evidence ready, but e-mails went unanswered. Zondo then ordered that Buthelezi ensure Myeni’s presence at 14h00 for the hearing of her Eskom-related evidence. The rest of her evidence, under Hofmeyr’s care, would have to be managed by way of written questions and answers and be submitted by 7 June 2021.

This time Myeni cannot not invoke the privilege to not self-incriminate, as she did during her SAA-related testimony in November last year.

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