

AFFIDAVIT

I, the undersigned,

NATASHA WENDY ANITA MAZZONE

hereby make oath and state that:

AD DEPONENT

1.

1.1 I am an adult **FEMALE** person of the above details and of full legal capacity, employed as **MEMBER OF PARLIAMENT** at **PARLIAMENT STREET, CAPE TOWN**, and residing in **CAPE TOWN**

1.2 Unless specifically indicated otherwise, the facts contained in this affidavit fall within my personal knowledge, and are to the best of my belief both true and correct.

AD PURPOSE

2.

2.1 This affidavit concerns possible criminal and/or statutory offences committed in terms of the *Public Finance Management Act, Act 1 of 1999* (hereafter referred to as the "PFMA") by Mr. **MATSHELA KOKO**, the Acting Chief Executive Officer of Eskom and Ms. **KOKETSO CHOMA**, his step-daughter.

2.2 I depose this affidavit in my capacity as a concerned citizen, and as a Member of Parliament representing a sizable constituency that are directly affected by the incidents detailed hereunder.

2.3 It is my belief that the acts detailed hereunder warrant further investigation by the South African Police Services, with the view to prosecution.

AD BACKGROUND

3.

3.1 I will throughout my statement make reference to a newspaper report, entitled “How Eskom lavished its boss’s daughter with R 1bn in contracts”, which was published in the Sunday Times on 26 March 2017 (attached hereto as **ANNEXURE “A”** and hereafter referred to as “the newspaper report”)

3.2 The newspaper report reveals the following:

3.2.1 In April 2016, one **KOKETSO CHOMA** – hereafter referred to as “Choma” – was appointed as a non-executive director of **IMPULSE INTERNATIONAL** (hereafter referred to as “Impulse”), an engineering and project management company.

3.2.2 Choma is the step-daughter of **MATSHELA KOKO**, who was appointed as Acting CEO of Eskom in or around December 2016 (hereafter referred to as “Koko”). Before being appointed as Acting CEO, Koko was Group Executive for Generation at Eskom.

3.2.3 Between April 2016 and February 2017, Impulse was awarded the equivalent of about R 1 billion in contracts from Eskom, mainly from the division in which Koko was Group Executive.

3.2.4 Choma is said to have resigned from Impulse in or around August 2016, after Koko learned of her involvement in said company from an Eskom board member. I attach hereto as **ANNEXURE “B”** a CIPC report on Impulse International, which records Choma’s official tenure as Director at Impulse from 31/03/2016 to 20/09/2016.

3.2.5 Choma is also a beneficiary and trustee of the **MOKONI TRUST**, which has an interest in Impulse.

3.2.6 Koko is alleged to have instructed **FRANS SITHOLE**, project director at the Kusile Power Station, to involve Impulse in work at Kusile after their contract with the Medupi power station ended in December 2014.

3.3 It is my belief that the versions put to the Sunday Times by Koko and Choma are replete with inconsistencies and suspicious circumstances, including but not limited to, the following:

3.3.1 Koko's claim that he was not aware of Choma's involvement in Impulse International or the Mokoni Trust until he was informed of this by a board member – this is odd considering that Koko is married to Choma's mother, and Koko and Choma are reported to both reside in the same house in Bryanston, Johannesburg;

3.3.2 Koko initially claimed, to Sunday Times journalists, that he only learnt of Choma's involvement in Impulse in or around February 2017 – he later sent an email stating that he had in fact learnt of this during or about August 2016 already;

3.3.3 The newspaper reports whistleblowers stating emphatically that Koko was using his influence and position to channel contracts to Choma's company;

3.3.4 In the following quote from Choma, she seems to paint herself as a naïve young girl:

"I decided to resign when my stepdad became aware of my relationship with Impulse and advised me to resign as a director as it might be perceived as a conflict of interest despite all the safeguards that have been put in place.

"I was appointed as a development candidate to gain as much experience as I could from the company (...)"

Choma is, however, reported to be a qualified chartered accountant who graduated in 2013 already. She should be aware of the ethical obligations resting upon her and upon a public entity such as Eskom when it comes to a conflict of interest.

AD OFFENCES

4.1 Section 50(2)(b) of the *Public Finance Management Act*, Act 1 of 1999 (hereafter referred to as “the PFMA”) states that:

A member of an accounting authority or, if the accounting authority is not a board or other body, the individual who is the accounting authority, may not –

(...)

(b) use the position or privileges of, or confidential information obtained as, accounting authority or a member of an accounting authority, for personal gain or to improperly benefit another person

is guilty of an offence (...)

4.2 Section 50(3) of the PFMA states that:

A member of an accounting authority must –

(a) disclose to the accounting authority any direct or indirect personal or private business interest that that member or any spouse, partner or close family member may have in any matter before the accounting authority; and

(b) withdraw from the proceedings of the accounting authority when that matter is considered, unless the accounting authority decides that the member’s direct or indirect interest in the matter is trivial or irrelevant.

4.3 Breaching section 50 of the PFMA is an offence in terms of section 86 of the PFMA.

5.

It is my submission that the dealings of Koko and Choma should be thoroughly investigated to determine whether or not any offence has been committed in terms of section 50 of the PFMA, or in terms of any other relevant laws, including but not limited to:

5.1 Koko using his position and privileges and confidential information obtained as a member of the accounting authority of Eskom for the personal gain and benefit of Choma and the directors and shareholders of Impulse;

5.2 Koko’s failure to disclose his relationship with Choma to the accounting authority of Eskom;

5.3 Koko possibly failing to withdraw from proceedings where contracts with Impulse were discussed.

6.

It is further my submission that, during the course of an investigation, more offences and charges may be added, and persons other than Koko and Choma implicated.

CONCLUSION

11.

I herewith request that the matter be investigated, and the appropriate steps – whatsoever they may be - taken to see justice done and the rule of law upheld.

12.

This is all I can declare.

DEPONENT: N W A MAZZONE

I CERTIFY THAT THIS AFFIDAVIT WAS SIGNED AND SWORN TO BEFORE ME AT _____ ON THIS _____ DAY OF _____ 2017. THE DEPONENT HAVING ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT AND I CERTIFY THAT THE REGULATIONS IN TERMS OF SECTION 10 OF ACT 16 OF 1963, AS PUBLISHED UNDER GN. R1258 OF 21 JULY 1972 AS AMENDED BY GN. R1648 OF 1977 AND GN. R1428 OF 1980 AND GN. R773 OF 1982, HAVE BEEN COMPLIED WITH.

COMMISSIONER OF OATHS

FULL NAMES : _____
DESIGNATION : _____
AREA : _____
ADDRESS : _____