

## 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 OFFICE M301, MARKS BUILDING, PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA, PLEIN 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.
- 1.3 I do however point out that, where I refer to information contained in newspaper reports, I rely upon the veracity of the said reports, and that I am deposing this affidavit on the presumption that said reports are factually accurate.

### **AD PURPOSE**

#### **2.**

- 2.1 This affidavit concerns possible criminal offences committed by various persons, including **JOE SINGH** (hereafter referred to as "Singh"), who is the current Chief Executive Officer ("CEO") of **JUST COAL (PTY) LTD** (hereafter referred to as "Just

Coal”) and the **COLLEN MAINE** (hereafter referred to as “Maine”), President of the African National Congress Youth League (“ANCYL”)

- 2.2 I depose this affidavit in my capacity as a concerned citizen, and as a Member of Parliament representing a sizable constituency that is 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 criminal prosecution.

### **THE ALLEGED OFFENCES**

#### **3.**

- 3.1 I attach hereto as **ANNEXURE “A”** an article that appeared in Eye Witness News on **25<sup>th</sup> September 2017**, entitled “**JOE SINGH SEES NOTHING WRONG WITH PAYING R500K FOR A POLITICAL FAVOUR**”.
- 3.2 In the article Singh, admits to paying the ANCYL five hundred thousand (R500, 000) in order to convince Eskom to not to terminate Just Coal’s contract with Eskom.
- 3.3 Singh claims that someone from the ANCYL promised him the body could convince Eskom not to terminate the Just Coal contract.
- 3.4 Reports indicate that Maine, as president of the ANCYL, received the R500, 000 but did not deliver on the promise.
- 3.5 It is my respectful submission that Singh and Maine participated in an alleged bribe and thus an offence was committed in terms of the *Prevention and Combatting of Corrupt Activities Act*, Act 12 of 2004 (hereafter referred to as the “PACCA Act”)
  - 3.5.1 Section 3 of the PACCA Act reads as follows:

#### **3 General offence of corruption**

*Any person who, directly or indirectly-*

- (a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or*
- (b) gives or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person, in order to act, personally or by influencing another person so to act, in a manner-*
  - (i) that amounts to the-*
    - (aa) illegal, dishonest, unauthorised, incomplete, or biased; or*
    - (bb) misuse or selling of information or material acquired in the course of the, exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation;*
  - (ii) that amounts to-*
    - (aa) the abuse of a position of authority;*
    - (bb) a breach of trust; or*
    - (cc) the violation of a legal duty or a set of rules,*
  - (iii) designed to achieve an unjustified result; or*
  - (iv) that amounts to any other unauthorised or improper inducement to do or not to do anything,*

*is guilty of the offence of corruption.*

3.5.2. The confirmation by Singh of paying the money to the ANCYL to assist in receiving a further Eskom contract, can be construed as a gratification offered, and this constitutes the general offence of corruption, in terms of section 3 of the PACCA Act as set out above.

#### **4.**

I lastly believe that during the course of an investigation it may emerge that other persons, other than those mentioned above, may be implicated to the extent that charges may be brought against them.

This is all I can declare.

\_\_\_\_\_  
DEPONENT: NATASHA WENDY ANITA MAZZONE

I CERTIFY THAT THIS AFFIDAVIT WAS SIGNED AND SWORN TO BEFORE ME AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016. 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 : \_\_\_\_\_

ANNEXURE "A"



EYEWITNESS NEWS



# JOE SINGH SEES NOTHING WRONG WITH PAYING R500K FOR A POLITICAL FAVOUR

Just Coal CEO Joe Singh has admitted to paying the ANCYL so it could convince Eskom not to terminate its coal contract.



Joe Singh. Picture: Twitter/@rameshjoesingh

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[Mia Lindeque](#) | about 18 hours ago

JOHANNESBURG - Just Coal CEO Joe Singh says he doesn't feel “too bad” about paying the [African National Congress Youth League \(ANCYL\)](#) R500,000 in the hope that it would [convince Eskom not to cancel a contract](#) with his company.

Singh has admitted to paying the money to the Youth League and claims someone promised him the body could convince the parastatal not to terminate its coal contract.

Weekend reports said the league's president Collen Maine accepted the donation but failed to deliver.

Singh says he doesn't see anything wrong with paying R500,000 to the ANCYL for a political favour.

“They came and offered to help me and I said: Ok fine but I can only give money into your ANCYL account and not to anyone in their personal capacity.”

Although the ANCYL failed to deliver, Singh says at the time, everything sounded legit.

The youth league confirmed to *The Sunday Times* that it received the donation but denies it was a bribe.

*LISTEN: In his own words: Just Coal's Joe Singh on ANCYL payment*

At the same time, Just Coal says it now realises that it was morally wrong to pay to the ANCYL to secure help in attempts to save the coal contract with Eskom.

Singh says he was approached by the ANCYL who asked for a donation, which he saw as an opportunity to save his company's agreement with Eskom.

“So I don't feel too bad about that. Morally it might not seem right, but at the time it sounded okay.”

Legal expert Cathy Powell says Singh's admission could render the firm criminally liable.

“That people can think this way, shows how desperately tenuous the idea of abiding by law is becoming.”

Eskom says the reason the termination of the contract with Just Coal is part of a pending court case and is therefore still considering its response.