

NATIONAL ASSEMBLY
QUESTION FOR WRITTEN REPLY

FRIDAY, 10 MARCH 2023
DUE DATE: 24 MARCH 2023

798. The Leader of the Opposition (DA) to ask the President of the Republic:

Whether, he was briefed by his national security advisor, Mr Sydney Mufamadi, and the Minister of Public Enterprises, Mr Pravin Gordhan, who report directly to him about the identities of the two Cabinet Ministers who allegedly direct the cartels that have been raiding Eskom's coffers after they were made aware by the former Chief Executive Officer of Eskom, Mr André de Ruyter, in the presence of one of the advisors of the Minister of Public Enterprises at Eskom's head office on 5 July 2022, of the names of the two Cabinet Ministers who are alleged to be implicated in corruption at Eskom; if not, what action will he take to hold the individuals who report to him accountable for withholding crucial information from him about one of the biggest crises in the Republic; if so, (a) on what date, (b) by whom and (c) what did he do with the information?

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REPLY

I was not briefed about the identities of people who are allegedly involved in cartels in Eskom.

In terms of section 34 of the Prevention and Combating of Corrupt Activities Act, I am advised that Mr De Ruyter is a "person who holds a position of authority" as the Chief Executive Officer of Eskom and therefore bears a duty to report corrupt transactions to any police official.

Once any such person has presented evidence to an appropriate law enforcement agency, such agency should take whatever action it deems relevant.

There are several pending law enforcement and other actions relating to Eskom that include:

- a. Various measures taken by the Department of Public Enterprises and reported to Parliament regarding the implementation of the recommendations of the State Capture Commission.
- b. The cancellation of coal supply agreements and construction contracts by Eskom with a value of approximately R11 billion.
- c. Litigation by Eskom that declared invalid coal supply agreements to an approximate value of R3.7 billion.
- d. Preventing further losses of approximately R10 billion to Eskom by setting aside other coal supply agreements and constructions contracts.
- e. Eskom defending arbitrations brought by contractors with an approximate value of R7.2 billion.
- f. Eskom pursuing claims with a value of approximately R4.8 billion against suppliers and former directors of Eskom.
- g. Eskom recovering approximately R2 billion unlawfully paid by Eskom to service providers.
- h. Special Investigating Unit investigations and Eskom disciplinary action regarding 14 coal transportation service providers.
- i. Ongoing internal investigations into four diesel suppliers to Eskom.

- j. Special Investigating Unit referrals of 5,635 matters to Eskom for disciplinary proceedings against employees for their alleged failure to submit financial declarations, declare or get approval for doing work outside of Eskom.
- k. Pending criminal cases or referrals to the National Prosecuting Authority by law enforcement in at least 125 instances and a further 65 referrals to the Asset Forfeiture Unit relating to Eskom.
- l. The Department of Public Enterprises finalising external advice regarding the launching of applications to have several former directors of Eskom declared delinquent.
- m. The inclusion of at least 25 former senior executives at Eskom in a database of individuals dismissed for their involvement in state capture and corruption at Eskom.