

01 December 2021

SAVE EOH asks Zondo Commission to guard privacy over fears of harassment and victimisation

On 1 December 2021, SAVE EOH responded to the Zondo Commission enquiry regarding its request for further information about the group's request for anonymous disclosure related to its claims of perjury against EOH CEO Stephen van Coller.

In its 500-page submission (available on www.saveeoh.net) to the Commission on 17 November 2021, Save EOH set out 54 instances of falsehoods and inaccuracies made to the Zondo Commission by van Coller during his testimony in 2020.

In its correspondence today in response to a letter from Prof. Itumeleng Mosala, Secretary of the Commission, Save EOH submit that that by exposing their individual identities, they would be subjected to targeted harassment and victimisation at the hands of van Coller. This would place the members of the group in an irreparable position.

“Over the past three years numerous EOH staff members, management and board members were removed following negative interactions with van Coller. Not only has he become enormously powerful within the organisation by creating a culture of fear, but he also has become influential in media circles. Our members fear falling victim to targeted harassment as well as other security risks,” says Save EOH.

The group says van Coller's conduct was epitomised in the manner in which he tarnished and destroyed the career of the late John King, who had been Chief Financial Officer of EOH for 12 years.

“King left the employ of EOH shortly after van Coller began his tenure as CEO. According to King's family, his death in October this year was directly ascribed to the great agony and stress attributed to van Coller's conduct in leading a sustained media campaign against him. Even after King passed, a vitriolic media campaign against him was initiated.”

In this light the group therefore request that the Commission direct that their identities be concealed or alternatively that their identities be submitted to the Commission but remain anonymous to the public, van Coller and EOH.

Save EOH reiterates its stance of zero tolerance for corruption and fraud, distances itself from any form of dishonesty and applauds actual efforts to recover monies stolen from the public purse and bringing those responsible to book.

The full Zondo Commission submission can be viewed at www.saveeoh.net

ENDS

About the SAVE EOH Group

SAVE EOH is a group of individuals which constitutes previous employees and shareholders of EOH and other interested parties. Not a single member of the group has been implicated in any wrongdoing or criminal offence. The mission of SAVE EOH is to prevent the further demise of EOH Holding Limited under CEO Stephen van Coller and the protection of the rights and continued employment of the remaining 5500 employees at the company. The group simply wishes to expose the unethical business conduct within the company, in an effort to return the company to its growth trajectory and preserve shareholder value. The members of SAVE EOH are choosing to remain anonymous for now due to the fear of further targeted harassment and other security issues. For more information visit www.saveeoh.net



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**THE JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR**

1 December 2021

Hillside House, 2nd Floor
17 Empire Road
Parktown
Johannesburg
2193

Our Ref: SAV001-HV320

Attention: Prof. Itumeleng Mosala, Secretary of the Commission

Per email: BoipeloR@commissionsc.org.za

Dear Sir,

RE: SAVE EOH // STEPHEN VAN COLLER

1. We refer to your letter dated 22 November 2021 and received by the writer on 23 November 2021 at 09h05.

Directors: **H Valentine** BA, LLB, LLM. **K Thekiso** BA, LLB, Postgraduate Certificate in International Trade Law, AIPSA Diploma in Insolvency Law. **S Valentine** LLB, AIPSA Diploma in Insolvency Law. Associates: **A T Dzinouya** LLB, LLM. **A Nkosi** LLB. Consultants: **K Moja** LLB, LLM, Postgraduate Diploma in Tax. **C Britain** LLB, LLM (*cum laude*), **S Ndamase** LLB, Postgraduate Certificate, Banking and Financial Markets. **N Dlamini** BCom, LLB.

Registration no: 2016/390182/21, VAT no: 4440275651

2. Our instructions are to, on behalf of our client Save EOH, apply to the Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State (“**the Commission**”), in terms of Regulation 9 of the Regulations of the Commission, that in presenting the information submitted by our client to the Commission, that the Chairperson directs that no person shall disclose in any manner whatsoever, the names or addresses of the members of our client, or any information likely to reveal their identity.
3. Our instructions are to reiterate and substantiate the reasons for this request (as previously summarised), as our client’s members’ apprehension that, should their identities become known, they fear that they will fall victim to targeted harassment and other security related risks in their private capacities.

MEDIA CAMPAIGN

4. It is our clients’ submissions that, since joining EOH approximately 3 years ago, Stephen van Coller (“**van Coller**”) has employed a deliberate, systematic, and structured media campaign, to destabilise EOH, at the expense of promoting his own personal interests.
5. This has resulted in approximately 1700 articles in the media deprecating EOH and lauding van Coller. Several individuals who have opposed van Coller or his views, have been subjected to ridicule, reputational damage, harassment, and litigation.
6. It is further submitted on behalf of our clients that numerous honest and decent individuals who were previously employed at EOH, have seen their livelihood, careers and good name destroyed publicly at the hands of van Coller.
7. Van Coller has been instrumental in tarnishing the reputation and destroying the career of the late John King (“**King**”), amongst others. King was the erstwhile Chief Financial Officer of EOH for 12 years, and who left the employ of EOH shortly after van Coller began his tenure as CEO.

Directors: **H Valentine** BA, LLB, LL.M. **K Thekiso** BA, LLB, Postgraduate Certificate in International Trade Law, AIPSA Diploma in Insolvency Law. **S Valentine** LLB, AIPSA Diploma in Insolvency Law. Associates: **A T Dzinouya** LLB, LL.M. **A Nkosi** LLB. Consultants: **K Moja** LLB, LL.M, Postgraduate Diploma in Tax. **C Britain** LLB, LL.M (*cum laude*), **S Ndamase** LLB, Postgraduate Certificate, Banking and Financial Markets. **N Dlamini** BCom, LLB.

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8. Van Coller caused the publication of numerous defamatory articles about King, without any justification for doing so, following his departure. A cursory search of on the internet delivers a trove of these one-sided publications, but for ease of reference we attached hereto a list of such articles published in relation to King since June 2021, marked annexure “A”.

CIVIL CLAIMS

9. Our instructions are that the civil litigation initiated against King, *inter alia*, was intended to cause annoyance, frustration, financial and emotional exhaustion. This resulted in the blatant harassment of King and coincided with the deterioration of his health.

10. As a result of the claim, van Coller caused several associations to distance themselves from King and in July 2021, this culminated in CFO South Africa suspending King's 2014 High Performance Team Award.

11. According to King's family, his death was directly ascribed to the great agony and stress attributed to van Coller's conduct. Even after King's untimely passing the vitriolic media campaign against him continues, as evidenced by one of the media articles published at the time, a copy of which is enclosed herewith as annexure “B”.

12. It is our instructions that the civil claims filed by EOH are an abuse of process, vexatious, and have no prospect of success. EOH, through their attorneys have not been able to significantly progress the matters, following the issuing of the summons in May 2021, because the claims are vague and embarrassing.

13. Additionally, the attorneys for EOH seek to have section 77 of the Companies Act, 71 of 2008 declared unconstitutional in order for it to found aspects of the claims, as they concede that the claim may have prescribed.

14. This is not the intended purpose of the actions. The lawsuit was initiated specifically for the purpose of creating a chilling effect that left a sword hanging over King, in order to dissuade, inhibit or discourage him and others from the legitimate exercise of their

natural and legal rights. It is simply not in the interests of EOH to have the matters ventilated in court and to have the claims discovered as being baseless.

15. Additionally, the lawsuits apparent aim is to provide positive publicity to van Coller and his alleged turnaround efforts and create sensational media headlines by restating the manifestly improbable quantum of the claims. King was portrayed as delinquent, in an attempt to publicly shame him and terrorise him financially and emotionally.
16. It is telling that in response to the initial submission by Save EOH to the Commission, EOH responded in the media by calling the efforts a “smear campaign” which *‘levels malicious and frivolous allegations against Van Coller. The company noted that earlier this year, it had filed civil claims against several former EOH executives to recover damages of more than R6,4 billion and says this latest campaign by Save EOH is merely an attempt to retaliate against these civil actions.’* See the media report attached hereto as annexure “C”.
17. Our instructions are that this response to the serious allegations contained in the submission to the Commission by Save EOH, typifies van Coller’s stratagem to avoid responding to criticism, by mounting offensive, personal attacks on those criticizing him and questioning his motives, through chilling lawsuits and extensive negative media exposure.
18. The EOH media statement also serves to group together and tar with the same brush, individuals who are accused of vague failing in their fiduciary duties, with those directly implicated in wrongdoing.

PURGING OF EMPLOYEES

19. Our clients would be placed at enormous risk were they to disclose their identities. As previously indicated in the submissions prepared by our client to the Commission, van Coller has embarked upon procedurally and substantively unfair labour practices, to purge management, board members and any other individuals who have challenged him.

20. Our instructions are that several of these employees have elected to resign and sign separation agreements, containing draconian confidentiality and non-disclosure clauses, to avoid being dragged through disciplinary enquiries, being publicly humiliated and tied up in court for years to clear their names.

CONCLUSION

21. Save EOH reiterates its stance of zero tolerance for corruption and fraud, distances itself from any form of dishonesty and applauds actual efforts to recover monies stolen from the public purse and bringing those responsible to book.

22. Nevertheless, our clients remain of the view that in exposing their individual identities, they would be subjected to further targeted harassment and victimisation at the hands of van Coller, as experienced by the late John King and many others. This would place our clients in an irreparable position.

23. Therefore, our clients humbly request that the Commission direct that their identities be concealed. Alternatively, our clients request that their identities be submitted to the Commission but remain anonymous to the public, van Coller and EOH.

24. We trust that you will carefully consider the above and revert to us with your direction, for the protection of our clients.

Yours faithfully,



Heinrich Valentine
Managing Director

TC TechCentral

John King, ex-EOH finance chief, dies amid R1.7-billion damages claim

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R6.4 billion lawsuit against former EOH CEO and three execs

The amounts sought by EOH from each of the executives are: EOH founder and former CEO Asher Bohbot — R1.66 billion; Former CFO John King — R1.66...

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Civil suits a 'significant milestone' in cleaning up EOH rot

The group is suing Bohbot and former chief financial officer John King for R1.7-billion each due to their alleged failure to deal effectively...

29 Jun 2021



EOH slaps ex-CEO Asher Bohbot with R1.7 billion damages claim linked to tender fraud

A summons has further been served on former chief financial officer, John King, according to a report by Tech Central.

29 Jun 2021



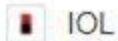


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EOH confirms it is suing former executives for R6.4bn

EOH'S filing of civil claims against former executives who were ... John King (former chief financial officer), Jehan Mackay (former head of...

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Corporate governance under spotlight as EOH sues ex-bosses

EOH sued its former co-founder and chief executive Asher Bohbot for R1.7 ... for damages against former chief financial officer John King,...

04 Jul 2021



TechCentral

Blacklisting EOH now will punish the wrong people

... former chief financial officer John King, former public sector head Jehan Mackay and former head of EOH International Ebrahim Laher.

07 Jul 2021



Government could blacklist EOH over past corruption [update]

EOH Holdings could soon be blacklisted by from doing business with ... EOH is also going after former chief financial officer John King...

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... EOH confirmed it is suing a number of former executives – Asher Bohbot, founder and former CEO; John King, former CFO; Jehan Mackay,...

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EDITORIAL: Shareholders suffer for past misdeeds of previous EOH execs

When the JSE slapped EOH with a fine almost a year ago for issuing ... and former CFO John King, that were allegedly behind misleading...

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EOH 'remains profitable' as it battles tough conditions

In July, EOH filed a lawsuit against four former executives, including co-founder and former CEO Asher Bohbot and former CFO John King,...

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EOH mess: CFO John King, Asher Bohbot were directors of dodgy Keating firms

This is how long John King, the chief financial officer of JSE-listed IT firm EOH, was a non-executive director of three companies owned by...

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EOH shareholders lost R24bn since graft saga started

EOH confirmed it is suing a number of former EOH executives, including Asher Bohbot, founder and former CEO; John King, former CFO;...

20 Jul 2021




John King quits as EOH financial director

EOH Holdings financial director John King has resigned. King announced his decision to leave the business at the group's annual results...

03 Oct 2018



 Daily Maverick

The good news for corruption-weary South Africans is that accountability is finally here

... against the company's founder and CEO Asher Bohbot, former CFO John King, Mackay and former Head of EOH International Ebrahim Laher.

06 Jul 2021



 ITWeb

EOH shrugs off costly graft missteps, expects quality earnings

The company is now suing a number of former EOH executives, including Asher Bohbot, founder and former CEO; John King, former CFO;...

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Real reason EOH sued former executives for R6.4 billion

EOH CEO Stephan van Coller said they had to take legal action against ... former CFO John King, former EOH Mthombo executive Jehan Mackay,...

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Behind EOH's R6.4bn claim against former execs

... but EOH is also seeking damages from former CFO John King, former public business head Jehan Mackay and former EOH International head...

01 Jul 2021



John King, ex-EOH finance chief, dies amid R1.7-billion damages claim

IT SERVICES By Duncan McLeod 27 October 2021

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Former EOH chief financial officer John King

John King, the former chief financial officer of EOH Holdings who was being sued by the company for R1.7-billion in damages, has died.

King passed away on 4 October, TechCentral has learnt. It's understood he died of pneumonia. He was 61.

EOH expressed its condolences to King's family on his passing.

EOH expressed condolences to King's family following the news report about his passing

TechCentral reported in June that EOH was suing King and other former directors – including former CEO Asher Bohbot – for billions of rand in damages for governance lapses when they led the company. It sued King and Bohbot for R1.7-billion each. It filed the civil claims in the high court in Johannesburg for damages inflicted on the group due to their alleged failure to deal

effectively with governance breaches and malfeasance that decimated the IT services group's share price and valuation, and damaged its reputation.

Specifically, EOH sued Bohbot and King on charges of delinquency, breach of fiduciary duties and breach of contract.

EOH also filed papers against former public sector head Jehan Mackay for R1.5-billion. EOH is suing Mackay for a breach of fiduciary duties as well as for allegedly making payments to third parties for no work done. Mackay's name featured prominently in evidence presented by law firm ENSafrica at the Zondo commission of inquiry into state capture.

ENSAfrica probe

It also issued a summons against Ebrahim Laher, who served as head of EOH International, for an amount R1.6-billion. He faces claims of negligence and mismanagement.

The civil suits flowed from investigative work done by ENSafrica into corruption in the group's public sector contracts. The civil litigation was brought with the mandate of EOH's board of directors.

EOH instructed ENSafrica in 2019 to expand its investigation after TechCentral broke the news in February of that year that Microsoft had terminated its relationship with the local IT services group over a dodgy software licensing contract between EOH unit EOH Mthombo and the South African department of defence. The news sent EOH's share price into a tailspin from which it still hasn't recovered. The ENSafrica probe subsequently uncovered evidence of widespread wrongdoing at the group.

EOH said in June that it was pursuing its former top executives through civil proceedings to try to recover as much of the money as possible that was "siphoned out of the business and paid to enterprise development partners and third parties that performed no services whatsoever". The legal action comes on top of likely criminal proceedings against implicated individuals. – © 2021 *NewsCentral Media*

EOH slams 'smear campaign' against CEO Van Coller

IT SERVICES By Staff Reporter 25 November 2021

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Stephen van Coller

A group claiming to be former employees and shareholders going under the name "Save EOH", all of whom have chosen to remain anonymous, has made a submission to the Zondo commission of inquiry into allegations of state capture claiming current EOH CEO Stephen van Coller gave false testimony to the commission.

They claim he orchestrated a crisis that resulted in the group's market value shrinking by more than half to R6.8-billion from R16.4-billion when he joined three years ago.

The group submitted the submission to the Zondo commission last Wednesday (November 17). On Monday (22 November) the Zondo Commission replied to Save EOH's attorney Heinrich Valentine saying: "The commission is not in the habit of receiving anonymous submissions."

The commission is not in the habit of receiving anonymous submissions

The commission advised Valentine that should his clients (Save EOH) “want the commission to consider their submission but keep their identities secret” then “they should motivate for such an application to the commission”.

Save EOH argues that the once “great powerhouse” employed 11 500 people but has since whittled that down to 5 500. “This has affected the livelihood of thousands of people, destroyed careers, and caused immeasurable pain and suffering,” says a media release from Save EOH issued last week. It calls for Van Coller to step down, claiming he perjured himself at the Zondo commission, and due to his “poor performance” since becoming CEO.

‘Smear campaign’

In response, EOH hit back and said the “smear campaign” levels malicious and frivolous allegations against Van Coller. The company noted that earlier this year, it had filed civil claims against several former EOH executives to recover damages of more than R6.4-billion, and says this latest campaign by Save EOH is merely an attempt to retaliate against these civil actions.

When contacted for more details regarding who exactly is part of Save EOH, a spokesman who asked not to be named said none of the former employees affiliated to Save EOH are being pursued by the company for civil damages, so they are motivated neither by revenge nor financial benefit. Asked why the members chose to remain anonymous and, in doing so, devalue their claims, the spokesman said they will remain anonymous for now “due to the fear of targeted harassment and other security issues”.

The grouping bewails the continued slide in the share price of EOH from around R40 when Van Coller arrived, to around R7 today

Valentine, the group’s attorney, also provided no further insight into the identity of the members of the grouping. “All I can say is that I am representing the group,” he said.

In its media statement, Save EOH said some 60 businesses had been disposed of, including the so-called crown jewels of the company, for a fraction of their value – causing some of the R6-billion loss of market cap.

Included in this was Construction Computer Software (CCS), a South African-owned company that reportedly ranks among the top in the world in its field, with customers in 50 countries. It was sold to a German company for 25% of its market value, said Save EOH, which added it has presented this evidence to the Zondo Commission.

The grouping bewails the continued slide in the share price of EOH from around R40 when Van Coller arrived, to around R7 today. It also questions why EOH spent R245-million with legal firm ENSafrica, the result of which appears to have been aimed at “simply defaming EOH, purging management and board members, while boosting (Van Coller’s) image as a great leader, great CEO and a ‘corruption fighter’,” said Save EOH.



“Van Coller artificially created a major crisis in EOH when there was none and then promoted himself as the white knight who saves it,” declared the Save EOH statement.

Earlier this year, EOH brought civil claims against former CEO Asher Bohbot, former (and late) chief financial officer John King and two other executives for a combined R6.4 billion for governance lapses when they led the company.

The charges against King and Bohbot include delinquency, breach of fiduciary duties and breach of contract.

Other former directors also face charges following a 2019 ENSafrica investigation that uncovered evidence of widespread wrongdoing at EOH. This came after Microsoft terminated its relationship with the IT group over an apparent corrupt department of defence contract.

Evidence presented to the Zondo Commission, and outlined by ENSafrica’s forensics unit, paints a damning picture of a company involved in corrupt public sector tendering, with suspicious transactions worth about R1.2-billion being discovered in EOH’s public sector subsidiary, EOH Mthombo.

Swing to profit

Van Coller was brought in to clean up EOH. The group’s latest results for the financial year to July 2021 show a swing from R1.3-billion operating loss to R147-million operating profit.

In various presentations, Van Coller has spoken at length of the culture of corruption he discovered at the organisation, and of its various governance lapses.

Save EOH questioned the need to restate the previous four years’ financial statements, resulting in billions of rands of write-offs, and making it impossible to do a proper analysis of the company’s performance. Van Coller is also accused by the grouping of using unfair labour practices “to purge management, board members and any other individual” who stood up to him.

EOH issued the following statement in response to the Save EOH claims:

In June 2021, EOH filed civil claims against a number of former EOH executives seeking total damages of circa R6.4-billion. The EOH board decided to do this after an extensive legal investigation. The charges filed include delinquency, breach of fiduciary duties and breach of contract. Further civil suits against other individuals may follow as the process unfolds.

The EOH board believes that the recently launched anonymous ‘Save EOH’ smear campaign, which levels malicious and frivolous allegations against EOH CEO Stephen van Coller, is an attempt to retaliate against these civil actions and Stephen van Coller and his team’s efforts to turnaround the organisation.

The EOH board led by its chair Andrew Mthembu fully supports the EOH executive team including Van Coller and acknowledge their significant achievements over the past three years. The EOH board regards this personal attack as deplorable.

EOH's board said it "has no further comment on the matter".

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