

■ RULING

Arms deal must be investigated further, Zuma can't hide behind Seriti report

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THE arms deal judgment in the high court has not let former president Jacob Zuma off the hook, or anyone implicated in wrongdoing related to arms procurement in the 1990s.

Pressure is mounting on law enforcement agencies to go after those implicated in corruption relating to the arms deal.

Analysts said the fact that the high court has set aside the findings of the Seriti Commission of Inquiry into the arms deal would mean law enforcement agencies, including the National Prosecuting Authority, the Hawks and the Special Investigating Unit would need to investigate the arms deal further.

Head of Politics at Unisa, Dirk Kotze, said the judgment had reinforced any investigation into the arms deal.

"It will re-emphasise the court case against Zuma because the case against him is on the arms deal," said Kotze.

He said Zuma could no longer use the Seriti report as his defence in the criminal trial.

"He cannot use it.

:The judgment means that report does not exist anymore because it has been set aside.

"It means what was said in that report has no value," said Kotze.

Kotze also said former president Thabo Mbeki's role would also come under scrutiny as he was the chair-

person of the Cabinet committee on the arms deal.

Wits University legal expert Stephen Tuson said no one could rely on the Seriti Commission's findings.

"It means no one could rely on the findings of the commission, nor need they comply with any recommendations of the commission," said Tuson.

Minister of Public Works Patricia de Lille has on more than one occasion said that she was willing to give evidence in the case of Zuma.

De Lille had testified in the case of Schabir Shaik in the early 2000s.

The GOOD leader blew the whistle on arms deal corruption in 1999 in Parliament and named several high-ranking ANC politicians implicated in the arms deal.

Kotze said the ball was now in the court of the NPA and other law enforcement agencies to pursue criminal cases against those implicated.

However, some of the people who were fingered in the arms deal, like Joe Modise, have passed on.

But others are still alive, and the NPA can take on those cases and investigate them.

"The NPA will have to evaluate the judgment, then the criminal justice cluster can decide, between the Minister of Police and Minister of Defence, which direction it can go," said Kotze.

During the arms deal, political parties were concerned that the promised offsets were never realised.

Thousands of jobs promised during

the arms acquisition did not materialise, and the South African government lost out.

Out of 56 000 jobs promised, only 3 800 jobs materialised.

There was no investment inflow as promised in the offsets programme.

This was one of the sticking points in Parliament: that the offsets programme did not achieve what it had set out to achieve by creating jobs for many people.

The arms deal was the biggest scandal in the country at the time, with billions of rand involved.

It was estimated that the state would spend more than R30 billion in the arms deal.

But the judgment, in setting aside the report of the commission, has set a new legal precedent in dealing with the findings of commissions.

Kotze said the findings of the Seriti Commission were not enforceable.

Kotze said it was not possible to have another commission of inquiry to investigate the arms deal, and the best possible option for the country was for law enforcement agencies, including the NPA, to probe the cases.

When the Seriti Commission released its report in 2015, opposition parties described it as a whitewash after it failed to find any politician guilty of corruption.

They said some of the evidence tabled before the commission was ignored and they wanted a proper process to get to the bottom of the wrongdoing that happened during the arms procurement process.

It was then that civil society

organisations went to court to set aside the report because they believed it had failed to do what was necessary.

The full Bench of the high court has now agreed with those who criticised the Seriti Commission that it had failed to investigate some of the evidence.

The arms deal saga has been dragging on for more than 20 years, and it spans several countries including the UK, France and Germany.

The court judgment may well be the beginning of more years of prosecution if the NPA and other agencies start investigating those who are implicated.

Civil society and opposition parties should continue to put pressure on the government to ensure the prosecution of people fingered in the arms deal.

Analysts warned the agency that to investigate the cases related to arms procurement in the 1990s, it would have a lot of work to do and investigators would have to travel overseas to gather more evidence.

This relates to international companies involved in the arms deal.

The NPA is now under pressure to get on with the business of unravelling what has been under the carpet for decades, and the next few months will determine how many senior political figures would be hauled before the courts over the arms deal.

The issue of the arms deal has been in the public domain for many years and the public has been concerned how it was handled by various levels of government.