



Our reference: PT/01/OS

31 October 2018

TO: THE PRESIDENCY

Attention: His Excellency, the President of the Republic of South Africa

c/o: Malebo Sibiya

Per Email: presidentrsa@presidency.gov.za; malebo@presidency.gov.za

AND TO: DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

Attention: Minister of Justice and Constitutional Development

c/o: Babalwa Musekwa

Per Email: BMusekwa@justice.gov.za; vusimadonsela@justice.gov.za

AND TO: THE NATIONAL PROSECUTING AUTHORITY OF SOUTH AFRICA

Attention: Acting National Director of Public Prosecutions

Per email: rbester@npa.gov.za; communication@npa.gov.za

Reference: 10/2/12/3 – 194/2018

AND TO: SOUTH AFRICAN POLICE SERVICE

Attention: Minister of Police

National Commissioner of the South African Police Services

c/o: Lt Gen Sitole

Per email: sitolek@saps.gov.za; response@saps.org.za, MonahengAmelia@saps.gov.za

AND TO: PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Attention: Portfolio Committee on Justice & Correctional Services

c/o: Dr Mathole Motshekga

Per Email: mmotshekga@parliament.gov.za; info@parliament.gov.za

Dear Excellency/Madam/Sir

RE: NOTIFICATION OF FINAL FINDINGS OF THE PEOPLE'S TRIBUNAL ON ECONOMIC CRIME

1. Our letter dated 01 March 2018 and subsequent invitation to the delivery of the final findings of the first People's Tribunal on Economic Crime ("**People's Tribunal**") dated 03 September 2018 refers.
2. The Organising Committee of the People's Tribunal¹ hereby notifies your offices of the final findings of the People's Tribunal, delivered in public at Constitution Hill on 20 September 2018. The final report is attached hereto for your convenience and can also be found at www.corruptiontribunal.org.za.
3. In its findings, the People's Tribunal panel makes compelling recommendations in relation to evidence presented of breaches of international and domestic law through economic crime and corruption in South Africa's arms trade over the last forty years. More specifically, the recommendations relate to:
 - 3.1. violations of United arms sanctions by domestic and foreign corporations and states during apartheid;
 - 3.2. the decisions and conduct of foreign and domestic state and non-state actors in respect of contracting around the Strategic Defence Package or 'Arms Deal'; and
 - 3.3. contemporary allegations of state capture surrounding tendering and the establishment of joint ventures between Denel SOC Ltd and the Gupta family.
4. The findings of the People's Tribunal emphasise that:

'state capture is to some extent also a result of the corrupt activities that had gone before it. Absent the violation of the United Nations sanctions, and the corrupt Arms Procurement Package, the kind of state capture described in the evidence would probably not have occurred. The examples of state capture mentioned are the tip of the ice-berg.'²

¹ The Organising Committee consists of Open Secrets, Public Affairs Research Institute (PARI), Foundation for Human Rights (FHR), Corruption Watch, Right 2 Know Campaign (R2K) and the Centre for Applied Legal Studies (CALs).

² Final Report of the People's Tribunal on Economic Crime (20 September 2018), para 22.

5. This finding recognises the structural nature of ‘grand corruption’ in South Africa, highlighting that the continuities in actors, corrupt networks and method of operations from the apartheid era enable ongoing corruption with impunity for past and present wrongdoers.
6. It is therefore imperative that state institutions, such as the Judiciary,³ the National Prosecuting Authority⁴ and Police Services⁵ as well as Parliament and members of cabinet,⁶ who are constitutionally mandated to ensure accountability of state and non-state actors impugned in the evidence before the People’s Tribunal, act with urgency to ensure criminal and/or other appropriate liability of implicated parties.
7. In the event, the People’s Tribunal Organising Committee hereby:
 - 7.1. Notifies your offices of the evidence submitted to the People’s Tribunal and the final findings of the Tribunal.⁷ The evidentiary submissions relevant for your consideration are titled:
 - 7.1.1. The Arms Money machine: Apartheid-era Sanctions Busting Bank;
 - 7.1.2. The 1999 Arms Deal; and
 - 7.1.3. State Capture: The case of Denel and VR Laser.
 - 7.2. Requests that a full and thorough investigation be conducted into all allegations arising from the submissions before this Tribunal in accordance with its recommendations and the provisions of the Constitution of the Republic of South Africa and other relevant international and domestic law;
 - 7.3. Pursue, where possible, the necessary prosecution and other appropriate legal and/or disciplinary action against implicated parties in terms of the recommendations of the Tribunal, the Constitution and other relevant international and domestic law within a reasonable period.
 - 7.4. Where appropriate, communicate any decision to investigate, prosecute and/or pursue other appropriate legal or disciplinary measures against implicated parties, and any steps taken in relation to such decision;

³ Section 165, Constitution of the Republic of South Africa, 1996 (‘The Constitution’).

⁴ Section 179, Constitution.

⁵ Section 205, Constitution.

⁶ Sections 42 & 92, Constitution.

⁷ Due to the voluminous nature of the evidence, all evidentiary material above along with the Interim and Final findings of the People’s Tribunal can be found at www.corruptiontribunal.org.za.

- 7.5. Requests that the appropriate parliamentary committee introduce the evidence before Parliament and allow Open Secrets and other members of the Tribunal's Organising Committee to participate in an introductory discussion with Parliament; and
- 7.6. Kindly requests that your respected offices engage, with Open Secrets and any other members of the Tribunal's Organising Committee on the findings of the People's Tribunal by 30 January 2019.
8. Kindly note that all submissions, evidentiary material and findings of the People's Tribunal can be located at www.corruptiontribunal.org.za due to their voluminous nature.
9. We look forward to your response by no later than 14 November 2018.

Kind regards,

A handwritten signature in black ink, appearing to be 'K. Patel', written over a horizontal line.

Open Secrets

Secretariat: People's Tribunal on Economic Crime

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