

# Seriti Commission Review

## Timeline

### 11 - 12 June 2019

- Corruption Watch and Right2Know approach North Gauteng High Court to file their application to review and set aside the findings of the commission of inquiry into the Arms Deal.

### 14 April 2019

- **President Cyril Ramaphosa announces that he will not oppose** Corruption Watch and Right2Know's application. None of the government departments cited as respondents in the case, nor Judge Seriti is fighting Corruption Watch and Right2Know's application.

### 20 September 2018

- The final report of the People's Tribunal on Economic Crime is released. The report states there is sufficient evidence that cabinet ministers were involved in suspicious operations throughout the Arms Deal, but it does not make comment regarding the Seriti Commission as its findings were being taken on judicial review at the time of its release.

### September 2018

- **Crawford-Browne writes a letter to Judge Zondo** of the State Capture Commission of Inquiry appealing for the release of the estimated 17000 pages of the IONT and Financial Working Group Papers held by National Treasury. Documents thought to enable government to cancel arms deal contracts and to claim damages from British, Swedish and German governments.

### 9 November 2016

- The Constitutional Court concludes that Crawford-Browne's application is not in the interest of justice and thus denied.

### 17 October 2016

- **Corruption Watch and the Right2Know Campaign announce their application to the North Gauteng High Court, Pretoria, to review and set aside the findings** of the Seriti Commission on the grounds that it failed to properly investigate the Arms Deal, and therefore failed in its mandate.

### 20 July 2016

- **Terry Crawford-Browne files a Constitutional Court application** to motion for the Seriti Commission Report to be set aside and for the Minister of Finance to recover money that was irrationally and fraudulently spent on the arms deal.

#### 21 April 2016

- **President Zuma releases the final report** of the Seriti Commission, which claims to have found no evidence of corruption in the Arms Deal. The report is condemned by the Right2Know campaign and other 'critics' of the Arms Deal. They release a statement reiterating the failures of the Commission to fulfill its mandate and investigate the Arms Deal thoroughly.

#### 30 December 2015

- The **final report of the Seriti Commission** is handed to President Zuma, more than four years after the Commission was appointed.

#### 29 June 2015

- The **final public sitting** of the Commission takes place. Judge Seriti announces that the final report of the Commission will be handed to the President by 31 December 2015.

#### 29 September 2014

- More than **30 South African social justice organisations issue a call for the Seriti Commission to be scrapped** due to its continued unwillingness to call witnesses and consider vital evidence. The organisations call for a full criminal investigation into corruption in the arms deal to be launched.

#### 2 September 2014

- Former **IFP MP Gavin Woods**, who was chair of Parliament's committee on public accounts (SCOPA) at the time of the Arms Deal, is called to testify before the Commission. Again, he is **obstructed from speaking to evidence of wrongdoing** in the Arms Deal, on the basis that he was not the author of the evidence.

#### 28 August 2014

- Three independent witnesses – campaigners and researchers **Andrew Feinstein, Paul Holden and Hennie van Vuuren – withdraw from the Commission** in protest, and call for the Commission to be dissolved entirely and for those implicated in corruption to be prosecuted. Feinstein was a former ANC MP.

#### 11 August 2014

- Democratic Alliance MP, David Maynier, appears before the Commission to give evidence. However, **Judge Seriti rules that Maynier will not be allowed**

**to speak to the documents he had submitted, which detail serious allegations of corruption, as he had not authored the documents.** The ruling, by implication, indicates that none of the evidence adduced by the 'critics' in the Arms Deal can be presented by those critics, as they had not written the source documents. As such, Maynier's testimony is cut short.

## 22 July 2014

- **Two evidence leaders, Advocates Barry Skinner and Carol Sibiya, resign from the Commission.** Their resignation comes after Dr. Richard Young, a prominent Arms Deal critic, is attacked by the Commission's Fanyana Mdumbe for failing to appear for his hearing. Dr. Richard Young claimed that he had frequently informed the Commission that he would be unable to attend due to medical and other issues.

Both Skinner and Sibiya eviscerated the work of the Commission. They noted that they were unable to re-examine witnesses, despite this being the main means of testing the evidence of witnesses appearing before the Commission; that documentation was withheld from them; and heavily criticised the decision by the Commission not to consider the controversial Debevoise & Plimpton report into Ferrostaal's activities.

## 12 April 2014

- **The Commission announces that Advocate Tayob Aboobaker, the chief evidence leader at the Commission, had resigned two months previously.** Aboobaker refuses to comment and the Commission denies that he had left due to clashes with Judge Seriti. The previous year it had been rumoured that Aboobaker had threatened to resign due to 'nepotism, infighting and unprofessionalism', but had been convinced to stay on by the Commission.

## 27 October 2013

- **The contracts of eight lawyers employed by the Commission – two senior researchers, an assistant legal researcher, four legal practitioners and the head of legal research – are not renewed, ending their employment with the Commission.** The Commission states that the termination of the contracts was due to the need to save money and the completion of the necessary work.

The City Press, however, reports that, based on four independent sources, the employees had been sacked as they were insufficiently loyal to Judge Seriti. The sources claimed that the lawyers were originally brought into the Commission by Judge Legodi, who resigned in August 2013. One source claimed that the employees were sacked as they were unwilling to support the 'second agenda.'

## 21 October 2013

- Arms Deal ‘critic’ **Paul Holden cross-examines the Armscor witness Robert Vermeulen**. It is the first time that any person appearing before the Commission is cross-examined. Holden is given only three days to review Vermeulen’s hundreds of pages of evidence prior to conducting the cross-examination.

During questioning, Judge Willie Seriti rules the Debevoise & Plimpton report inadmissible as it had been ‘leaked.’ The Debevoise & Plimpton report (available in the document library) is one of the central documents indicating legitimate suspicion of corruption in the Arms Deal. By refusing to admit the Report, the Commission appeared to be indicating that it would not investigate these very serious allegations of corruption.

Two evidence leaders, Advocates Barry Skinner and Carol Sibiya, who would resign in anger in July 2014, criticised the refusal to admit the document in their resignation letter. They claimed that refusing to admit the document ‘nullifies the very purposes for which the Commission was set up.’

## 5 August 2013

- After many delays, the **public hearings phase** of the Commission begins. The first phase is mandated to examine issues related to rationality and the economic impact of the Arms Deal.

## 1 August 2013

- The Presidency confirms that **Judge Francis Legodi had resigned** from the Commission. It is stated that he resigned for ‘personal reasons.’ The Presidency later announces that it will not appoint a third judge to the Commission, which will proceed with only two judges.

The Witness newspaper questioned whether or not Legodi resigned for ‘personal reasons.’ The Witness, referring to sources within the Commission, claimed that Legodi had resigned as ‘he could no longer tolerate working with the chairperson, Judge Willie Seriti.’

## March 2013

- **Attorney Kate Painting, who had been working with the Commission as a researcher since its start, resigns**. In her statement, published in August 2013, Painting explained that she had left the Commission due to concerns about its approach and credibility. Painting claimed that, soon after beginning work with the Commission, “another agenda soon emerged as did an obsessive control of information, family relationships and incompetent administration. Fear is a common theme at the Commission and any non-compliance with the second agenda is met with hostility.”

## 26 February 2013

- In what would become a frequent occurrence at the Commission, ***the public hearings are suspended***, to resume in August 2013.

## 16 January 2013

- Numerous ***'critics' of the Arms Deal are subpoenaed*** by the Commission to give evidence, including Paul Holden, Andrew Feinstein and Hennie van Vuuren. Annexure 'A' to the summons informed Holden, Feinstein and van Vuuren that they were entitled to 'inspect any documents that the Commission has which may be relevant to your testimony... should any further documentation become available, you will be given a reasonable time within which to inspect them.'

Despite submitting a list of required classes of documents in February 2013, the documents still have not been provided by the Commission to these witnesses.

## 7 January 2013

- ***Advocate Norman Moabi resigns from the Commission***. Moabi had been a senior investigator at the Commission. Moabi's explosive resignation letter is leaked to the media. Amongst other things, Moabi complained about a 'total obsession with the control of the flow of information to and from the Commission by the Chairperson.' He also criticised the way in which briefs appeared to be clandestinely prepared and not shared.

Most importantly, however, Moabi claimed that the Commission was operating according to a 'second agenda' that was intended to discredit critics of the Arms Deal. One comment Moabi was said to overhear was that 'when we will have dealt with the first witnesses [the critics], they will not again make noises in the public media.'

## 1 August 2012

- The closing date for public submissions to the Commission is reached. They had been requested in May 2012. ***Only a handful of individuals make submissions***.

## October 2011

- Judge Willem van der Merwe, who had previously acquitted Jacob Zuma on rape charges, resigns almost immediately after being appointed. He is replaced by Judge Hendrick Musi.

## 24 October 2011

- The President announces a ***Commission of Inquiry into allegations of fraud, corruption, impropriety or irregularity in the Strategic Defence***

***Procurement Packages.*** Judge Willie Seriti is named as the Chairperson, to be supported by Judge Willem van der Merwe and Judge Francis Legodi. The terms of reference are broad, but exclude any look into whether previous investigations had been subject to political interference.