

## More promises with no action from the President

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**Note to Editors:** *The following speech will be delivered today during Parliament's debate on the State of the Nation address and is under embargo until delivery.*

Madam Speaker

Honourable Members

The President tells us, in his SONA address, that there has been great progress in turning around law enforcement bodies – but, even with the most rose-tinted spectacles available, this cannot be seen to be true.

The President told us last year that critical leadership positions would be filled with capable, experienced and trustworthy professionals.

The President tells us that it is the revelations from the Zondo Commission of Inquiry that have laid bare the extent of state capture and related corruption, and acts shocked the evidence shows that the criminal justice system has been compromised and weakened.

But, Madame Speaker, this is simply just not true. The revelations of the Zondo Commission may well have underscored the extent of the scale of corruption that has been visited on this country by the ANC, but the vast majority of this evidence was available in the public domain long before the Zondo Commission was set up. It is the very fact of this information being in the public domain that led to the Zondo Commission being set up in the first place. So this evidence or information is nothing new.

Investigative journalists and public interest organisations warned us of these activities long before the Zondo Commission was established. Copious and detailed evidence and documentation was published by *Amabungane*, *Scorpio* and the *Daily Maverick* revealing the extent of the corruption malaise of the upper echelons of the ANC long before any Commission was even dreamt of.

During this time, President Ramaphosa was the Deputy President of South Africa, gaily chairing the Cadre Deployment Committee, enabling State Capture by deploying those very cadres who have been implicated in the Zondo Commission of Inquiry, those very cadres who hollowed out and decimated the criminal justice system by design. It is this Committee that deployed the likes of Menzi Simelane, Nomcgobo Jiba and the hapless Shaun Abrahams. It is this Committee that deployed the likes of Arthur Fraser to head of Correctional Services, despite his dismal and dishonest term of office at the State Security Agency.

The irony of this list of non-achievements and empty promises is quite riveting. The President promised us, last SONA, no less, that the establishment of a National Anti-Corruption Advisory Council – supposedly a multi-sectoral body that would oversee the initial implementation of the strategy and the establishment of an independent statutory anti-corruption body that reports to Parliament – was imminent. Well, that did not happen. Applications were invited late in 2021, with no discernible progress having been made. There is no credible information available to suggest that this Council has been formed, or even will be formed in the foreseeable future. Just an empty promise.

Despite the appointment of a handful, a very small handful, of apparently capable, experienced and trustworthy professionals at the National Prosecuting Authority, we have seen not even ONE successful prosecution of a high-profile corruption, money-laundering or racketeering case, despite the smorgasbord of choice to pick from. Not ONE. Just another broken promise. The NPA is so damaged, so hollowed out and rudderless that no discernible progress has been reported in the past 3 years. There has been lots of talk, but very little walk, with no obvious relief in sight.

The revelations of the Zondo Commission will produce a deluge of serious, high profile and complex cases requiring prosecution, but thanks again to the deployment policies of the Committee chaired by the President, the SAPS are incapable of investigating such cases with any speed or at all, and no one can likely look forward to prosecutions following in this regard any time soon. Just another broken promise.

The devastating effects of state capture and the looting of public institutions and state-owned entities for private gain have reduced the ability of the State to provide services especially to the poorest and the most vulnerable. The budget of the National Prosecuting Authority has been reduced yet again – making it impossible for them to deliver successful complex prosecutions or to appoint the resources, human and otherwise, required to successfully prosecute these cases. The flip side of this coin is that the SAPS have also suffered budget cuts, making it impossible for them to investigate these cases. Neither institution has the budget to procure the forensic and cyber-forensic skills required to prosecute successfully. It simply is not going to happen. More broken promises.

The President tells us he will present a plan of action in response to the recommendations made by the Judicial Commission of Inquiry into State Capture by June 2022 and present this plan to Parliament. JUNE... the only logical reason for this long delay must be found in the fact that the President wants to be re-elected as leader of the ANC at the end of this year. Enabling the relevant authorities to put a large number of his comrades in jail will not enhance his chances, and so – true to form – he is kicking the can down the road. Watch this space for yet more broken promises.

In the interim, the President highlighted measures to be taken to implement recommendations contained in the first two Reports. In addition, the President stated that he has set up mechanisms to monitor implementation of the recommendations made by the Special Investigating Unit (SIU) in relation to corruption and fraud in the COVID-19 Personal Protective Equipment (PPE) related contracts. Yet, those Departments investigated by the SIU under proclamation and at their request have largely not paid the SIU the outstanding fees for such investigations, making this difficult, and eventually impossible for it to continue functioning optimally. By design, of course.

The President tells us he is expecting the Investigating Directorate to deliver on its mandate. A new head of the Investigating Directorate will be appointed following the departure of Adv. Hermione Cronje. The Investigative Directorate is almost 3 years into its 5-year lifespan and has not made one arrest. It has not taken one accused to court. And there is no reason to believe that it will do so in the near future. Another broken promise.

The President tells us he will encourage engagement with the Judiciary for the creation of special court roll for state capture and corruption cases. The court rolls are already overloaded, the case backlog continues to grow on a daily basis, how is this pie in the sky promise ever going to be achieved? And even if it does, all the rape cases, and murder cases of ordinary South Africans will just become part of a

growing backlog and further delay of justice so that we can first deal with those who abused their power whilst the ANC was in government.

The Democratic Alliance has, in co-operation with Accountability Now, drafted a Private Members Bill that will be placed before Parliament, for the establishment of an Anti-Corruption Commission that will satisfy the strict requirements for independence as set out in the Glenister judgments and that will enable the successful investigation and speedy prosecution of complex and high profile corruption and state capture cases, and that will deliver tangible results, proving that crime does not pay. If the President is truly serious about dealing with corruption, if he is truly serious about turning the Criminal Justice system around, then he and his Executive will support this legislation, and ensure that South Africans see that there are serious consequences for this type of thievery and deceit. This will be his one opportunity of fulfilling a promise.

The ancient founders of the idea of democracy believed that there are three truths that a democratic government must always obey:

- you must always govern within the law;
- you must always govern for the people; and
- you must always remember that you power WILL come to an end.

I fear for your part, that that day has come and the Democratic Alliance and many others on these benches stand ready to take hands and build this country on these principles and that of our Constitution.

I thank you.