



EFF STATEMENT ON PART I OF THE ZONDO COMMISSION REPORT

Wednesday, 5 January 2022

The EFF notes what is a Part 1/3 of the Zondo Commission Report on State Capture. We underscore the fact that this commission was an outcome of the EFF's historic and uncompromising struggle to push the then corrupt, kleptocratic and incompetent Zuma ANC (ZANC) administration to its knees. Without the protests of the EFF, in Parliament, on the picket lines and in the courts, the commission would have never taken place.

It is a fact that it was as a result of the EFF's legal initiative that the courts ordered the release of the Public Protector's "State of Capture Report" on 3 November 2016. It was also the EFF which successfully resisted attempts by Zuma to appoint what became the Zondo Commission. These legal initiatives came against major doubts and ridicule by many. In addition, we must add that the EFF challenged Zuma and his kleptocratic maniacs head on long before it was fashionable. Thus, it is the EFF that paved a way for many convenient anti-corruption pseudo heroes to go sing at the Zondo Commission without any threat of a Zuma government looming over their heads.

Notably, after we humbled the ANC at the 2016 Local Government Elections, one of the demands we made to it as a precondition for any coalition with the EFF was the establishment of the Commission on alleged state capture. The ANC of Zuma and Ramaphosa rejected the demand. The embedded media has conveniently "forgotten" all these historical facts. It therefore comes as no surprise that Cyril Ramaphosa has deliberately omitted the EFF from the list of those who must be acknowledged or thanked for the establishment and work of the Commission. History, however, has no blank pages.

Strangely, Judge Zondo who chaired this very commission, which was made possible by the EFF, invited political parties represented in parliament to give evidence, except the EFF. Today, he has concluded his work without hearing the only brave witness represented in parliament benches that confronted the kleptocracy of the the dangerous Zuma ANC administration.

Nevertheless, the first part of the report confirms what the EFF had already warned the people of South Africa about. One, that the SAA had been abused by Zuma, Dudu Myeni and the Guptas for personal enrichment. Two, that the Gupta owned New Age (TNA) newspaper were in fraudulent

contracts with SOEs like SAA, Transnet, Eskom and the SABC. Thirdly, that Zuma, Moyane and Bain Consulting (USA based company) conspired to capture SARS. When the EFF took a decision to boycott and disallow the New Age and ANN7 from its activities SANEF condemned us as enemies of “media freedom”. They hastily convened an emergency meeting with the EFF Officials. We explained our stance and refused to budge.

Today, the Zondo Commission Report has provided evidence and absolved the EFF. We further welcome the recommendations that criminal prosecutions must immediately follow. Even if the report is taken on review, police and NPA need not waste any time. All implicated persons must face the full might of the law.

There is no secret that the Gupta family had an unmitigated influence on Zuma and executive decisions. It became the de facto ruler, using its compound to direct decisions on awards of state contracts, purging those who did not comply and bribing those who did. It was key even in the appointment of boards and CEO’s of SOEs.

The so-called Part 1 Zondo Commission Report also exposed corrupt dealings that involved companies other than those belonging to the Guptas. These include Bain & Company, McKinsey & Company, EOH to name a few. It further illustrated how funds were siphoned for the personal enrichment of bureaucrats, politicians, their families and the ANC.

To this extent, the commission makes an important claim that in South Africa, corruption permeates in both the public and the private sector - an observation that many corruption busters of convenience chose to ignore.

We are however deeply disappointed at the commission’s SARS chapter. Here there is no reference to the political abuse of SARS to settle political differences and punish political opponents. Above all, there is no objective analysis of the Rogue Unit within SARS which employed and abused national Intelligence agencies.

The lowest point of the report is excusing Gordhan’s racism on the basis that he participated in the struggle against apartheid. Presented with evidence of racism and the condescending attitudes of Gordhan towards African people, Zondo resorted to self-stupefaction. Gordhan lied under oath and was deliberately allowed to get away with it. His struggle credentials, of which no evidence was led, were evoked ground or proof of his non-racist attitude. Taken the history of Ghandi, a celebrated anti-colonialist, and his anti-African racism, only an hypocrite can still reason like Zondo.

Nevertheless, Zondo is also found wanting on Gordhan's inconsistency and contradictions regarding Moyane's complaint against him with SAPS. His claim that he confused the case numbers could never hold as evidence to absolve someone of false claims to the commission. This should have rendered Gordhan's testimony on Moyane and SARS as illegitimate. Gordhan was most unreliable, conflicted, idiotic and agitated when it came to SARS and Moyane. No other witness could have been so dishonestly sanitised by Zondo after the entire country witnessed his dismal performance.

In any way, taken the evidence gathered by Mr. Williams on the collaborative plan by Zuma, Moyane and Bain, Zondo didn't really need Gordhan on SARS. Even to arrive the the conclusions regarding the collapse of governance within SARS, there were many witnesses other than Gordhan.

It leaves us with no other conclusion except that Zondo seeks to portray Gordhan as an anti-corruption hero. He brings him up even when he is completely irrelevant or counterproductive so as to perpetuate the propaganda, driven by the SA main stream media, of sanitising Gordhan.

Zondo's dishonesty and bias on Gordhan also exposes him as incapable of the objectivity required for a Constitutional Court Justice. Zondo can't even consider a simple, but nonetheless, fundamental question: if Gordhan is such a spotless hero of anti-corruption, how come he participated in the corrupt Zuma cabinet until his personal career was at risk? Is not his new found anti-corruption conveniently created by the fact of his rejection and firing by Zuma? Why was he prepared to work in his cabinet despite evidence that the Guptas captured him whilst Gordhan was his cabinet Minister? Why did Zuma entrust him with the National Treasury which holds the money tills?

These questions never attain significance in the report even when it comes to witnesses like Mcebisi Jonas. Yet, it is an essential characteristic of what the report calls the culture of impunity. When it comes to Gordhan, Zondo's report does not hold him accountable, thus it too perpetuates this degenerate culture. It therefore follows that characters like Gordhan and Jonas aided State Capture as did all ANC leaders up to and including Ramaphosa. This is a conclusion Zondo is not prepared to draw from his report.

Following the billions used by the Zondo Commission, it is worrying that much of the evidence does not led Zondo to make steadfast and unequivocal recommendations when it comes to prosecution. In majority instances Zondo asks NPA to consider, if it sees it fit, prosecution of many implicated persons. This exposes the commission as not confident enough of its own evidence upon which it draws its conclusions.

For a commission that took so much time, spending about R2billion of taxpayers money, it is deeply regrettable that its recommendations are all underscored by “further investigation” and “prosecute if warranted”.

The EFF considers this to be a fundamental flaw and failure of Zondo. His report will gather dust and never lead to anyone being successfully prosecuted. As a judicial commission, it held the same powers as that of a high court. It’s standard of evidence interrogation should not have been any less than that of a high court. Meaning, they needed to stand the test of an objective court of law. From this perspective, Zondo has engaged in the greatest wasteful expenditure in the judicial history of South Africa.

Finally, the EFF would like to emphasise that the eradication of the tender system, accompanied by building of state capacity, is a key solution to addressing state capture and corruption. The improvements recommended with regard to the PFMA or proposals like the Corruption Charter will not resolve the parasitic nature associated with the ANC government. Society has to accept that the ANC is beyond repair. If anything, the whole organisation needs to be thrown into the dustbin of history if South Africa is to rise above the chronic levels of corruption.

The EFF is looking forward to the last two parts of the report and will make further observations at that stage. We are most concerned about what the report will say on Ramaphosa. This is key because we believe that Zondo is in a desperate campaign to become a Chief Justice. He is prepared to compromise the cutting, objective and uncompromising analysis required by justice in order to further his personal career interests. We predict that he will therefore treat Ramaphosa with kid gloves in an attempt to appease him so that he can make him the Chief Justice.

The EFF will not allow the Commission which was brought about by the sacrifices of our people to be reduced to a recruitment agency by Zondo and Ramaphosa.

ISSUED BY THE ECONOMIC FREEDOM FIGHTERS

Vuyani Pambo (National Spokesperson): 066 082 0889

Delisile Ngwenya (National Spokesperson): 066 388 8779

Sixelise Gcilishe (National Communications Manager): 071 142 1663

✉ communications@effonline.org

🌐 <http://www.effonline.org>

🐦 @EFFSouthAfrica

📷 @EFFSouthAfrica

📘 Economic Freedom Fighters