

**Open letter to President Kgalema Motlanthe petitioning for
a judicial commission of inquiry into the Arms Deals.**

President Kgalema Motlanthe

Tuynhuis, Cape Town

1 December 2008

Dear Mr President,

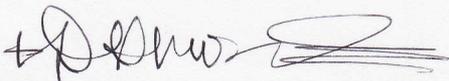
Judicial Commission of Inquiry into the Arms Deals

- 1. We write to you as concerned citizens and in conjunction with the organizations listed in annexure A, all of whom are deeply troubled about the state of the rule of law, accountability and constitutionality in our country. We address you with the request that you appoint an independent and public judicial commission of inquiry into the arms deals in terms of your responsibilities under section 84 (2)(f) of the Constitution.**
- 2. You will be aware that there is reasonable apprehension that allegations of impropriety and corruption in the arms deals have substance. Three books have been written on the subject, details of which are set out in annexure B. The authors are a retired banker, an historian and an economist who is a former ANC member of parliament.**
- 3. In addition to books and extensive media exposes, there are the records of criminal proceedings against both Tony Yengeni and Schabir Shaik, and the judgement of Mr Justice Chris Nicolson in which he indicated the desirability of such an inquiry given the documentation placed before him.**
- 4. Allegations of bribery by BAE to secure arms contracts are now under investigation by the authorities of seven countries, plus the Organisation for Economic Cooperation and Development which holds oversight authority over international commitments on corruption. BAE executives have even been detained in the United States for questioning by the Federal Bureau of Investigation. It is public knowledge that the "Scorpions" have raided premises controlled by John Bredenkamp, Fana Hlongwane and others in connection with BAE's South African contracts. BAE is alleged overseas to have paid bribes amounting to more than R1.5 billion to secure these contracts, these bribes having allegedly been laundered through front companies in the British Virgin Islands and elsewhere.**
- 5. We respectfully request that the commission is appointed by 10 December 2008, its commissioners and terms of reference being announced by you. As to the terms of reference, the widest possible investigation into impropriety and corruption is appropriate. The commissioners should be required to indicate who, if anyone, should face prosecution and on what charges. There should also be an investigation into the possibility of cancelling arms**

deal contracts tainted by corrupt and fraudulent dealings, and recovery of payments already made.

6. The urgency of the matter is self evident. The country is moving towards a general election, and the voters are entitled in the spirit of free and fair elections to be informed about what has become a major scandal in the country's political discourse. Should you decline this petition, we respectfully request that you furnish the reasons for your decision.

God bless you



DESMOND M. TUTU

Archbishop Emeritus



F.W. DE KLERK

Former President