

Zuma knew of bribe, says Judge

02 June 2005

DEPUTY President Jacob Zuma must have been aware of the bribe sought by Durban businessman Schabir Shaik on his behalf, High Court judge Hillary Squires said as he convicted Shaik on two charges of corruption and one of fraud.

Squires rejected the defence's three explanations relating to the state's allegation that the money Shaik sought from French weapons maker, Thomson CSF, was a bribe.

When dealing with the possibility that Shaik could have tried to double-cross Zuma and intended keeping the money for himself, Squires said: "No one would take that kind of risk of a meeting with [Thetard and Zuma] together if he was a dishonest broker."

Squires dismissed Shaik's explanation that the money being asked for was in fact meant for Zuma's education trust, describing it as "nothing short of ridiculous".

Had it in fact been a donation rather than a bribe, there would have been no reason for the coded language used in correspondence, or to try so hard to persuade the company to comply, the judge said.

There would have been no better way for Thomson to mend fences with the South African government than by making a donation that would please Zuma, he said.

"It is not credible that the company would not have had the public relations expertise to exploit such an opportunity."

There was no evidence that the trust ever anticipated a donation, or that such a donation had been pursued by Zuma, as he had done in many occasions in the past.

If Zuma was truly aware of efforts to secure a donation "it is incredible that he himself did not try to pursue the matter."

Squires said the coded language used in correspondence surrounding the bribe was also used by Zuma himself.

"All the parties knew what was discussed," he said.

The judge pointed to what was described as Zuma's hostility towards investigations into the arms deal, in which Thomson had been awarded a tender.

The evidence proved beyond a reasonable doubt that the money sought from Thomson was intended for Zuma, Squires said.

Welcoming the verdict, the National Prosecuting Authority declined to say whether Zuma's prosecution was the next step.

"The national director (Vusi Pikoli) will need to consider the judgment," spokesman Makhosini Nkosi said. "If there is anything to be done about it (Zuma) ... it will be done," he told reporters at the court's main entrance.

Asked if a prosecution of the deputy president was possible, Nkosi said: "I am not going to answer that".

Sentencing proceedings are due to start tomorrow. Shaik's bail, of R100,000, was reinstated until the conclusion of the next phase.

Shaik has not indicated whether he intended to appeal.