

CAPE TOWN

Arms deal in court next week

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The next round in the protracted litigation around the controversial multi-billion rand arms deal is scheduled to take place in the Cape High Court next week, with a possible challenge to the constitutionality of the Armaments Act and the Defence Act.

Next Wednesday and Thursday, the legal team for Economists Allied for Arms Reduction-South Africa (ECAAR-SA) will ask the court to rule on their discovery application to compel the government to release certain documents pertaining to the arms procurement deal.

The applicants in the matter are ECAAR-SA and Terry Crawford-Brown.

They lodged their application on July 5 last year to compel the government to supply certain documents pertaining to the arms deal. These included the loan agreements, the minuted decision taken by Cabinet to purchase the equipment, and the purchase contracts entered into by the government and the arms manufacturers.

ECAAR-SA has argued that the multi-billion arms deal is strategically, economically and financially irrational, and is therefore unconstitutional.

President Thabo Mbeki is listed as the first respondent, Finance Minister Trevor Manuel is the second, while the national government and Speaker of Parliament Frene Ginwala are the third and fourth respondents.

The government opposed the application on the grounds that it lacked standing and also contended that the Cape High Court had no jurisdiction to hear the matter.

According to the ECAAR-SA application, the matter also raises constitutional issues relating to the right of access to information and the access to courts.

The approach of the government left the respondents "free to act unlawfully", it says.

The application further says that the respondents relied on certain provisions of the Armaments Act and the Defence Act to justify the non-disclosure of certain documents.

"To the extent that these provisions are relevant and applicable, it is submitted that they are inconsistent with the Constitution and invalid, as they violate both the rights to access to information and access to courts," ECAAR-SA argues.

http://iafrica.com/news/specialreport/armsdeal_focus/292033.htm