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Zondo commission - Zondo denies claims he blocked Fraser evidence

Deputy Chief Justice Raymond Zondo has dismissed allegations by the former director-general (DG) of the State Security Agency (SSA), Arthur Fraser, against him claiming that he blocked crucial evidence from being heard before the state capture commission. Zondo released a media statement on Thursday in his capacity as chairperson of the commission.

Fraser said in an open letter earlier this week that Zondo denied him the opportunity to defend himself before the commission against a “well-orchestrated narrative and propaganda” in the form of allegations made by several witnesses regarding his tenure at the SSA. This conduct, he added, made the deputy chief justice an unsuitable candidate for the position of chief justice, for which Zondo is in the running, having been shortlisted.

“Despite public calls made by the chairperson of the commission from February 2018 to early in 2020 inviting past and present directors-general and ministers who had knowledge of alleged acts of state capture and corruption to come forward and give that information to the commission, Mr Fraser did not, over more than two years, come forward to share such information with the commission,” the commission’s statement read.

"In terms of rule 3.3. of the rules of the commission, any person who is implicated by a witness in the commission and who wishes to testify and defend himself or herself against allegations or evidence of wrongdoing is required to apply to the commission for leave to give evidence and that application is decided by the chairperson."

Fraser did not apply for this opportunity, the statement continued, despite his position that he had been implicated by witnesses. “If Mr Fraser wanted to testify, he needed to comply with the rules that govern the position of persons who want to testify to defend themselves against witnesses who have implicated them.”

In his letter, Fraser said he had, on multiple occasions requested to be given an opportunity to give his version, but this was not afforded to him.

“No independent-minded judge would act in this manner,” he added.

The former DG was implicated in the misappropriation of millions of the SSA’s rands in covert operations that were mostly unaccounted for. Dr Sydney Mufamadi, who was recently appointed by President Cyril Ramaphosa as his security advisor, headed up a high level review panel in 2018 that probed the operations of the SSA. Mufamadi was among witnesses who testified before the commission, citing alleged irregularities that occurred under Fraser.

In April this year, Zondo instructed Fraser to discuss the de-classification of documents he claimed would support his version, with the SSA. Fraser had brought forward an application before Zondo in which he asked the commission to use its powers to subpoena the documents in question to be de-classified.

The agency, however, challenged his application, telling Zondo that Fraser had had access to the said documents until the end of his term in August 2020, but chose rather to pursue the application well aware that the said documents fell outside the parameters agreed upon between the SSA and the commission. At the end of his term, Fraser was moved to the Department of Justice and Correctional Services, where he held the position of national commissioner of correctional services until September this year.

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