



**Summary of witness evidence at the hearings of the People's Tribunal on  
Economic Crime**

**31 August 2018**

## TESTIMONY ON THE 1999 ARMS DEAL

### Mr Ajay Sooklal

1. Mr. Sooklal provided evidence of his personal knowledge of particular allegations of corruption under the Arms Deal.
2. In 2003 he was approached by Mr. Pierre Moynot who is the managing director of two French subsidiaries, Thint Holdings Southern Africa Limited and Thint (Pty) Limited.
3. He described his association with Thales and relationship with Mr Moynot, and Chairperson of Thales international Mr. Jean-Paul Perrier. In his presentation he cited the following people as role players in the arms deal and surrounding allegations of bribery and corruption: Former president Mr. Thabo Mbeki, former Minister of Justice Mr. Penuell Maduna, former general secretary of the ANC Mr. Kgalema Motlante, former treasury general Mr. Menzi Msimang, former deputy president at the time Mr. Jacob Zuma, Mr. Shabbir Shaik, Mr. Yusuf Vahed and African Defence Systems chaired by the late general Lambert Moloi.
4. Mr Perrier intimated to Mr. Sooklal that they would need to quell any indictment that might come to them and others in light of the pending trial against Mr. Shaik.
5. Subsequently, Mr. Sooklal was made aware of Mr. Thabo Mbeki's involvement through his formation of a panel consisting of Mr. Kgalema Motlante, Mr. Menzi Msimang and Mr. Penuell Maduna who intervened in the charges against Thint (Pty) limited.
6. Mr. Sooklal states that Mr. Bulelani Ngcuka, the head of the NPA at the time, would see it fit to withdraw cases against Thint (Pty) Limited if Mr Allan Theta would admit in an affidavit that he was the author of 'so-called encrypted facts.' The encrypted facts related to the relationship between Thompson CSF, Mr. Zuma and Mr. Shaik. It also confirmed a bribe of R500 000 per annum that

would be given to Mr. Zuma until the first payment by the African Defence Systems.

7. Mr. Theta, head of Thales agreed and submitted an affidavit to Mr. Bulelani Ngucuka's stating he is the author of the encrypted facts. As a result, the charges against Thint Pty Limited were withdrawn. Essentially, the NPA were complicit in withdrawing charges against Thales, Thint Pty limited and its affiliates despite the evidence before the NPA warranting further investigation.
8. After the conviction of Mr. Shaik, the NPA decided to put out search warrants and searched nineteen offences across South Africa including private residence and office of Mr Moynot. Mr. Sooklal states that Mr Moynot gave him a document which was an agreement between Mr. Theta and Mr. Shaik in which the former agreed to pay the latter a consulting fee in respect of work that would be done to lobby to get the tender for the polycarbonate drivers' license in the Ministry of Transport under then Minister Mr. Mac Maharaj. This document contained verified signatures of both Mr. Theta and Mr. Shaik. This bribe agreement benefitted both Mr. Shaik and the Maharaj family.
9. Sooklal put before the tribunal the need to inquire reasons for the NPA's dismissal or refusal to investigate and prosecute the involvement of the Maharaj family who financially benefitted from a bribe agreement. His evidence showed that the NPA had information implicating the Maharaj family in illicit money flows both in the United States of America and the United Kingdom, however there has been no will to further investigate the evidence before them.
10. Mr. Sooklal stated that all legal fees directly or indirectly involving Thales were paid for by them, including the legal fees for Mr. Shaik, Mr. Zuma and the Maharaj family who were facing legal proceedings in Switzerland for a bribe agreement involving Mr. Theta and Mr. Shaik.
11. Moreover, Sooklal provided a first-hand account of how the treasury general of the ANC Mr. Menzi Msimang, received a donation of 1 million euros on behalf of the political party from Mr. Pierre facilitated by Mr. Moynot.

12. In the course of Sooklal and Mr. Maynot's relations between 2003-2009, illicit payments were made to Mr. Zuma and his family, and Mr Maduna who subsequently became an attorney for Mr Maynot after going into private practice. Sooklal states that by his own articulation Mr. Moynot admitted to paying one million dollars to Mr. Chippy Shaik.
  
13. Overall, Sooklal provided an account of the extent of corruption concealment that has taken place since the conclusion of the Arms Deal. His evidence provided a perspective of the extent to which the French have gone to ensure that this matter never get tested before the court of law in South Africa. The evidence submitted before the tribunal and documents read illustrate the need to further investigate the allegations raised against the abovementioned parties.