

Mbeki offered state legal assistance

Former president Thabo Mbeki's legal representation will be covered by the State Attorney at the Seriti Commission of Inquiry, Justice Minister Jeff Radebe said on Thursday (23 August).



Jeff Radebe (Image: GCS)

Addressing journalists in Cape Town, Radebe denied the State was refusing Mbeki legal help. Mbeki is one of several witnesses subpoenaed to appear before the inquiry into allegations of corruption in South Africa's multi-billion rand arms deal.

Lawyer Max Boqwana, representing Mbeki and his former Cabinet ministers, withdrew from the commission on Tuesday (20 August) after it became clear the State would not pay the bill.

"The withdrawal of the firm Boqwana Burns has created an impression that government has refused to fund the former president's legal representation in the Arms deal commission. This is indeed not true," Radebe said.

He said Mbeki and his former Cabinet members could decide to appoint private lawyers, but made it clear the State would not pay for these representatives.

"This is perfectly permissible in terms of the regulations, however under these circumstances the costs for such legal representation shall be borne by the person requesting such additional support," he said.

Marikana miners

At the same media briefing, Radebe also announced miners wounded or arrested in last year's Marikana violence should rely on the State's evidence-leaders to represent them.

Radebe said budgetary constraints made it impossible for the State to pay for private legal representation for the workers at

the Farlam Commission of Inquiry.

"The department of justice and constitutional development is not any different from other departments in terms of the expectations to spend its resources prudently throughout its operations, including the operations of commissions," Radebe said.

The State could also not act outside of Monday's Constitutional Court ruling when the court dismissed an application for leave to challenge a ruling by the High Court in Pretoria against the wounded miners.

"The [high court] endorsed the principle that it is not generally within the domain of the courts to determine how the State uses public funds," Radebe said. "This duty lies within the executive arm of government."

Radebe said government was not unsympathetic to the cause of the injured miners. "Our duty is to expend public funds within the legal framework, which sets the parameters for spending public funds and how the funds can be spent," he added.

Government was confident the Farlam Commission of Inquiry's evidence-leaders would protect the interests of miners.

"The evidence-leaders have a particular responsibility to gather evidence, analyse it and present it to the commission impartially and without bias, to enable the commission to determine the facts and to make the necessary findings and recommendations," Radebe said.

The commission is investigating the deaths of 44 people killed during strike-related unrest at Lonmin's platinum mining operations at Marikana, near Rustenburg in North West, in August last year.

Source: Sapa via I-Net Bridge

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