

IN THE ARMS PROCUREMENT COMMISSION

SWORN STATEMENT

I, the undersigned

JOHANNES WILLEM MEIRING,

do hereby state under oath as follows:

1.

I am an adult male. I was employed by the South African Police Service for 40 years and 9 months. I retired from the service on 30 November 2013.

2.

On 1 March 2003 I was promoted to the rank of Major-General and appointed as the Head of Commercial Crime Component, Detective Service.

3.

On 1 October 2009 I was transferred to the Directorate for Priority Crime Investigation to head the Commercial Crime Component in the newly established Directorate.

PURPOSE OF THIS SWORN STATEMENT:

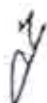
4.

The purpose of this sworn statement is to provide the Arms Procurement Commission with the summary of the information intended to be submitted by me during the hearing of the commission.

5.

My summary is as follows:

5.1 After my appointment at the DPCI at the end of 2009 the commercial related projects that resorted under the Directorate of Special Operations and some of the investigators who were previously attached to the DSO were transferred to the Commercial Crime Component within the DPCI.



6.

Colonel Johan du Plooy was one of the officers who were transferred to my component as well as the Arms Procurement investigations. I placed Col. Du Plooy at the Serious Economic Offences Unit.

7.

Col. Du Plooy briefed me on the Arms Deal. The initial investigation into the Arms Procurement started during November 2000 by the former Directorate of Special Operations. He was part of the investigation team. He informed me that he focused only on one area of the investigation.

8.

I requested him to register case dockets for the investigation for Project BAE (British Aerospace) and for Project GFC (German Frigate Consortium).

9.

Col. Du Plooy pointed out to me that he was also new to the current investigations as mentioned. Except for the Shaik/Nkobi/Zuma Thint leg of the Arms Procurement investigations, very little progress was made by the DSO. They were responsible for the investigations until 2009 when the DSO was dissolved by legislation.

10.

Col. Du Plooy advised me that the Arms Deal investigation had numerous different legs of which the British Aerospace leg was investigated by the DSO from 2000 to 2003 whereafter the investigation was stopped. No direct evidence of corrupt payments could be identified in respect of the BAE leg.

11.

He alleged that during October 2007 Serious Fraud Office from Britain ("SFO") furnished the DSO with the information pertaining to its investigation it had conducted.

gi M

12.

Information submitted by the SFO to the DSO revealed that BAE paid huge "commissions" to "agents" based in South Africa and outside SA in order to secure the contracts. These commissions were paid into offshore bank accounts.

13.

The SFO and the DSO started a joint investigation. The sharing of information between the SFO and the DSO was informal and without the use of mutual legal assistance ("MLA") processes.

14.

The former Director-General of the Department of Justice became aware of this informal sharing of the information arrangement and raised concern that this information was unlawfully obtained since it should have been sanctioned by the International Co-operation in Criminal Matters Act 75 of 1976.

15.

Colonel Johan Du Plooy advised me that while the Department of Justice and NPA were resolving the problems relating to the legality of obtaining the information in terms of the Act, time lapsed and three suspects in the BAE leg in South Africa passed away.

16.

The case was referred to the NPA for a decision based on the following:

16.1 A long time had lapsed since the alleged offence(s) were committed.

16.2 An MLA request had not been issued.

16.3 The investigation was in the beginning stage.

16.4 Three suspects were deceased.

16.5 The SAPS was not in possession of a MLA and there was a large part that had to be investigated abroad.

gim *df*

17.

The NPA was of the view that the investigation was incomplete; that the investigation did not receive attention for a lengthy time period and it would take a considerable long time to finalise the investigation and the State would have to deal with the issue of a speedy trial.

18.

After consultation with the Head of the Commercial Crimes Court, Col. Du Plooy and I submitted an information note to the Head of the Directorate for Priority Crime Investigation with a recommendation to close the investigation.

18.1 Reasons for the Head DPCI to deem it necessary to consider closing the case are as follows:

18.1.1 Some of the companies who were involved in corruption do not exist anymore.

18.1.2 Banks and Company records will be difficult to trace due to the fact that they are only kept for five years in terms of South African law.

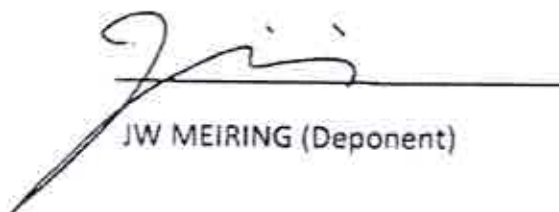
18.1.3 460 boxes of documents and 4.7 million pages of documents must be perused and analysed.

18.1.4 Many of the witnesses are living abroad and need to be interviewed to determine whether they can provide information to substantiate the allegations.

18.1.5 There is currently no prima facie evidence against any person.

18.1.6 The offshore accounts will have to be traced.

18.1.7 Some of the witnesses are deceased.


JW MEIRING (Deponent)


FINAL PAGE

DECLARATION

This affidavit consists of 5 pages which have all been signed by me.

The contents of this affidavit are true and correct to the best of my knowledge and belief. I am aware that should it be presented as evidence and any fact appears therein which I know to be false or do not believe to be true, I can be prosecuted.


Did you read this affidavit before signing it	<u>Yes</u>
Do you know and understand the contents of this affidavit	<u>Yes</u>
Do you have any objection to taking the prescribed oath	<u>No</u>
Do you consider the prescribed oath to be binding on your conscience	<u>Yes</u>



 SIGNATURE OF DEPONENT

I certify that the above affidavit was taken by me and that the deponent has acknowledged that he/she knows and understands the contents thereof. This affidavit was sworn to/confirmed before me and the deponent's signature placed thereon in my presence at

George on 2015/05/06 at 10:30



 LIEUTENANT COLONEL
 N E ZWIGELAAR
 COMMISSIONER OF OATH
 FULL NAME : MARTHINUS CHRISTOFFEL ZWIGELAAR
 ADDRESS : DPCI: COMMERCIAL CRIME UNIT,
 MASIMANYANE COMPLEX, PLANTATION
 ROAD, GEORGE
 RANK Lt Col : S A POLICE SERVICE