

Friday 11 June 2021

Media Alert

**Holding Arms Deal Commission Judges accountable for gross misconduct:
JCC postpones hearing**

Shadow World Investigations (SWI) and Open Secrets (OS) have received correspondence from the Judicial Conduct Commission (JCC) concerning a scheduled hearing to consider our complaint against 'Arms Commission' Judges Willie Seriti and Hendrick Musi:

1. Change of hearing date: We have been informed by the JCC that the hearing has been postponed to **10am on Friday 02 July**. It will no longer take place on 12 June as originally scheduled. This is to allow time for Judges Seriti and Musi to engage the services of legal counsel to assist them in responding to the complaint.

2. Closed hearing: SWI and Open Secrets wrote to the JCC to ask if the hearing will be open to the public. We have been informed in writing by the JCC that this will be a closed hearing and access will be limited to the parties and their legal teams. We respect this decision of the JCC – however we regret that the media will not be able to attend and report on the proceedings given its significant public importance. The media should please direct all requests regarding access directly to the JCC.

Background to the process:

On 11 August 2020, non-profit organisations [Shadow World Investigations](#) and [Open Secrets](#) submitted a complaint to the Chairperson of the Judicial Conduct Committee - JCC (of the Judicial Service Commission). The detailed complaint focused on a damning judgment by a full bench of the High Court which finds that **Judge Willie Seriti and Judge Hendrick Musi** had **failed to investigate the Arms Deal** during the Commission of Inquiry into Allegations of Fraud, Corruption and Wrongdoing in the Strategic Defence Procurement Package (known as the 'Seriti Commission'). [The complaint](#) also asks the JCC to consider whether certain actions by Judges Seriti and Musi may constitute criminal misconduct and, if so, to refer these matters to the NPA for further action.

The organisations lodged this complaint to bolster public trust in the integrity of the Judiciary and send a strong signal that the kind of conduct that enabled a cover-up of serious crimes by the Seriti Commission should not be tolerated. The [R142 billion corrupt Arms Deal](#) (calculated in current value) has resulted in enormous social damage in South Africa – resulting in the loss of up to 1 million jobs – and enriched a small group of powerful European corporations, politicians and middlemen.

In a letter to the two organisations, dated **07 May 2021**, Deputy Chief Justice Raymond Zondo (as acting chair of the Judicial Conduct Committee) has affirmed the seriousness of this complaint. He states in the letter that: *"In accordance with section 16(1) of the Judicial Service Commission Act (Act 9 of 1994) (JSC Act) I am satisfied that, in the event of Shadow World Investigations and Open Secret's complaint being established, it is likely to lead to a finding by the Judicial Service Commission*

that Judge Seriti and Judge Musi are guilty of gross misconduct as envisaged in section 14(4) of the JSC Act.”

This decision is a major step as it signals the start of a process towards accountability. Both organisations welcome an opportunity to make representations to the Committee. This first step towards accountability is a further vindication of civil society’s efforts to expose cover-ups at the Seriti Commission – and the decision by civil society activists to withdraw as witnesses from the Commission.

Click here to access a [fact sheet](#) and more background on the case.