



Media statement

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The pre-emptive decision by the Presidency that the Lady R inquiry, its work, its terms of reference and its report will not be published cannot stand unchallenged. If this stands, it renders the inquiry redundant in that secrecy will increase the suspicion that the government has something to hide and defeat the purpose of clearing the air on the matter. It is fundamentally in contradiction with the constitutional principles of transparency and accountability.

The inquiry follows the allegation from US Ambassador Ruben Brigety that weapons were loaded onto the sanctioned Russian ship in the Simonstown naval base. One of the reasons President Cyril Ramaphosa gave for calling an inquiry was “the extent of the public interest” in the matter.

The presidency says it must be secret because it involves issues of national security and classified information. National security is the first refuge of those who have something to hide, those who are prepared to abuse their power to keep information from the public. The military and security agencies love to make all their work secret, but it is seldom justified, and most often abused to hide wrongdoing.

If there are secrets there that are so sensitive that they threaten our national security, then they can ask the retired judge who is chairing the inquiry to keep that specific information under wraps. The judge makes an independent assessment of the sensitivity of each document. But a pre-emptive blanket ban on all the evidence, process and outcomes goes way beyond what can possibly be needed, and points to a pre-planned cover-up. Even if the inquiry is thorough and honest, it will be forever tainted.

There is a precedent. President Mbeki sent two judges to examine whether there was vote-rigging in the 2002 Zimbabwe elections. He suppressed the report on the grounds of national security. When this was challenged, and after a five-year legal battle the courts ordered its release.

If the government tries the same trickery this time, it will at the very least ensure that the controversy and government’s trustworthiness is in the news for many years. It is a false, self-defeating secrecy.

It must be challenged.

*The Campaign for Free Expressions is a non-partisan, non-profit organisation that defends and promotes free expression for all across southern Africa.

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