

MEDIA RELEASE
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Konflik van belange kompliseer Shaik se aansoek om presidensiële kwytskelding

‘Tussen die duiwel en die diep blou see’ – dit is die ongelukkige posisie waarin Suid-Afrikaanse regspraak hom bevind met Shabir Shaik se aansoek om presidensiële kwytskelding.

“Die grondwet maak hiervoor voorsiening as ‘n administratiefregtelike handeling, maar verbied terselfdertyd dat die uitoefening van presidensiële kwytskelding op ‘n konflik van belange neerkom,” aldus ds. Theunis Botha, ondervoorsitter van die Christen-demokratiese Alliansie (CDA). “En met ‘n duidelike hofbevinding oor ‘n korrupte verhouding tussen pres. Jacob Zuma en Shaik, is dit bykans ondenkbaar dat geargumenteer kan word dat presidensiële kwytskelding nie op ‘n konflik van belange neerkom, en opnuut op litigasie gaan uitloop nie.

“Dit skets die dilemma waarin Zuma se verkiesing tot president die land geplaas het. Sou Shaik op meriete op presidensiële kwytskelding geregtig wees, word sy regte, indien van toepassing, nou gefrustreer deurdat Zuma, en nie ‘n onbetrokkene nie, die president is. Hierdeur word opnuut gedemonstreer hoe belangrik is dat ‘n president se integriteit silwerskoon moet wees.

Conflict of interest complicates Shaik’s request for presidential pardon

‘Between the devil and the deep blue sea’ – this is the precarious position South Africa’s jurisprudence finds itself in with Shabir Shaik’s request for presidential pardon.

“The constitution makes provision for such an act as an administrative law action, but also prohibits this when there is a conflict of interest,” says Rev. Theunis Botha, deputy chair of the Christian Democratic Alliance (CDA). “With a court finding of a generally corrupt relationship between Zuma and Shaik it is hard to imagine how one could argue that no conflict of interest exists in this case. This may well develop into even more litigation.

This again underlines the dilemma in which Zuma’s election to the office of president has placed the country. If Shaik for some reason, would have qualified on merit for presidential pardon, this right is now undermined by the mere fact that it would be almost impossible to argue that a conflict of interest does not exist. “This again, underlines why it is so important that a president’s integrity should be totally above board.”