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### **Zondo commission – Zondo orders Fraser back to SSA for release of documents**

Former State Security Agency (SSA) director-general Arthur Fraser must first exhaust discussions with the agency over the de-classification of documents that he claims will be useful to the state capture commission, its chairperson Deputy Chief Justice Raymond Zondo said on Wednesday.

Fraser had brought an application to the commission in which he asks it to use its powers to subpoena the documents in question to be de-classified by the SSA. Zondo said he would postpone the application to give the two parties a chance to engage further, before deciding if the commission should intervene.

Minister of State Security Ayanda Dlodlo, who is named by Fraser as a first respondent in the application, has agreed to release the set of documents in her possession, that Fraser seeks. However, the other respondents to the application, the agency itself and its director-general Gab Msimanga, are challenging the application, said Fraser's attorney Advocate Rapulane Kgoroeadira.

Representing the SSA, Advocate Bheki Ndebele told Zondo that the basis of their challenge is that Fraser has had access to the SSA since August last year, and has been in talks with the relevant parties, having initially asked Msimanga's predecessor, former acting DG Loyiso Jafta, for the documents to be de-classified. He approached the commission months later with the application, towards the end of its term, knowing that the information he requested fell outside the parameters agreed on between the SSA and the commission on what can be divulged regarding covert operations and their investigation methods.

Commission legal head Advocate Paul Pretorius quoted a portion of Fraser's founding affidavit, in which he claims the information on which he will give evidence will expose political leaders who used the SSA for their own personal benefits, among other information. Pretorius argued that Fraser seems to want to conduct an investigation of his own outside the process of the commission, before testifying. If he needs the help of the commission, he added, he should engage its investigators for help.

On that note, Zondo said there was no need for the commission to step in at this point, if the two parties had "found each other."

"My attitude would be to postpone it but everybody understands that there are time constraints, so the parties would need to do whatever they need to do as expeditiously as possible," he said.

Fraser has been implicated by Jafta and in-camera witness Miss K in presiding over allegedly illegal operations during his tenure in the SSA, including a contract worth just under R50-million awarded to Iqbal Surve's Africa News Agency.

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