

Comparing Literary Publications about Corruption in South Africa to the Legal Position

Authors : Natasha Venter

Abstract : Recent publications, including Truth to Power by André de Ruyter, Gangster State by Pieter-Louis Myburgh, and Enemy of the People by Pieter du Toit and Adriaan Basson, expose alleged corrupt acts by high-ranking members of State, as well as those in charge of State-owned entities. These literary contributions have gripped the attention of a nation plagued by corruption scandals and the alleged misappropriation of state funds on an almost daily basis. The books, however, leave the populace with the burning question of why “nothing happens” to these individuals who are so directly implicated in the literature. The process followed by the State in the largest successful prosecution of a corrupt state official, Jackie Selebi, sheds some light as to how such high-ranking persons might be brought to book. The Supreme Court of Appeal’s definition of corruption and the interpretation of the facts (as presented by the State prosecutors) by the court is also valuable. Furthermore, some insight into the laws that criminalise corruption in South Africa, as well as applicable international instruments, is necessary. South Africa is ranked as the 70th most corrupt country out of 180 countries by Transparency International’s 2021 Corruption Perceptions Index. This is worrisome as South Africa is a signatory of the United Nations Convention Against Corruption (2004) and, as such, has certain international obligations to fulfil. However, if the political will to prosecute corrupt officials in South Africa exists, there are laws and instruments available to punish these individuals. This would not only vindicate the authors of literature about corruption in the country but also restore the hope of South Africans that, ultimately, crime does not pay.

Keywords : corruption, eskom, state capture, government, literature, united nations, law, legal, Jackie selebi, supreme court of appeal

Conference Title : ICLLH 2023 : International Conference on Law, Literature and Humanities

Conference Location : Cape Town, South Africa

Conference Dates : November 06-07, 2023