

PRESS RELEASE

Oakbay Investments calls on the High Court to dismiss Pravin Gordhan's "bizarre" application

Independent report concludes there is not enough information on 72 "suspicious transaction reports" available to identify them in the books and records of Oakbay Group

JOHANNESBURG, South Africa, January 20, 2017 – Van der Merwe & Associates, lawyers for Oakbay Investments, submitted an affidavit to the High Court in Pretoria in response to the application by Pravin Gordhan, the Minister of Finance.

Highlights of the Oakbay Investments affidavit:

- The Minister's superfluous application is riddled with factual and legal errors. The Minister's reliance on the list of 72 purported "suspicious transaction reports" is misplaced and the Minister's application is supported by a flawed analysis and a faulty factual record
- Oakbay has never suggested that the Minister is required to intervene in the bank-customer relationship. There is no contested legal issue here and there is never any reason for the Minister to bring this application
- The Minister could simply have declined to do anything in the exercise of his legal discretion. Instead, he has asked the court to confirm that he does not have to do anything. The Minister has essentially asked the court to insert itself into the functioning of the executive branch. It would be bizarre if every empowered government official receiving a request for assistance or counsel, races to Court to seek a declaration that he/she does not have to act on the request
- If the Court were to countenance the Minister's application for guidance, it would open the floodgates for other weak-kneed political officials who are too scared to take positions on sensitive political and policy matters and would make the judiciary a maker of political judgements. This application is an abuse of court and an effort to involve the independent judiciary to settle political scores
- Regarding the 72 "suspicious transaction reports" allegedly reported to the Financial Intelligence Centre (FIC) and highlighted in the certificate provided to the Minister by the FIC:
 - Oakbay has made every attempt and pursued every avenue open to it, to gain the information it needs to prove that each and every transaction is legitimate and above board
 - Nardello & Co, an international investigative firm, was engaged to review the 72 transactions. Nardello's report concludes that there is not enough information about the 72 suspicious transaction reports to identify them in the books and records of Oakbay Group or the personal bank accounts of members of the Gupta family
 - Two-thirds of the allegedly suspicious transactions occurred after the time when the banks had already decided to terminate their relationship with Oakbay
 - The FIC's release of this information to the Minister was unlawful in itself
- The Court should therefore decline to grant the relief sought by the Minister and dismiss the Minister's application with costs

- In January 2016, during a meeting with 60 “captains of industry”, the Minister, according to sources, elaborated on the Gupta family and said that steps must be taken “to clip the wings of this Family” as part of a coordinated campaign orchestrated by the Minister
- Furthermore, the timing of the Minister’s application supports the Oakbay Group’s suspicions that the application is politically motivated and is part of the Minister’s ongoing plan to diminish the Oakbay Group and the Gupta family and to damage their hard-earned South African business

-ENDS-

Notes to Editors

For more information, please contact corpcomm@oakbay.co.za