



21 December 2020

Zondo commission - Zondo expects to hear evidence until March, but not from Guptas

The commission of inquiry into state capture will continue hearing oral evidence until March 2021. It expects President Cyril Ramaphosa and his predecessor Jacob Zuma, but chairperson Deputy Chief Justice (DCJ) Raymond Zondo is not holding his breath for the Guptas.

The extension of the period for oral evidence is subject to an intended application by the commission to the Pretoria High Court to make up for the three-month break during the hard lockdown earlier this year. Had it not been for the lockdown restrictions that necessitated the break between March and June 2020, said Zondo, the work of the commission would have been completed by December, as envisaged. In February this year, the commission applied for an extension from the same court, of six months, and was granted 12 months instead, until March 2021.

Until now, it had been widely understood that the DCJ intended to use the period between January and March 2021 for the writing of the report that will complete the commission's work, but this will now happen between April and June next year.

Among the evidence that the commission expects to hear is that relating to Eskom in the second week of January, followed by that of Zuma, with the State Security Agency-related evidence expected at the end of the month. Ramaphosa will make an appearance some time in February, as will members of the ANC.

But why does the interest in Zuma's evidence remain?

"He's not keen to be heard, because he doesn't believe that there are any witnesses that have implicated him. In so far as the right to be heard is concerned, it is fine if he takes that attitude," said Zondo.

The commission, he added, needs to put questions to him on various issues arising out of the evidence of various witnesses. "If we didn't have questions for him, and he didn't want to be heard, we would have left him alone. But the position is that there are witnesses that have given evidence that raise certain questions, and the commission wishes to put those questions to him.

"He was the president of the country for most of the time that the things the commission is investigating are alleged to have happened. There are witnesses who allege that he played a certain role in relation to certain matters."

The same attitude does not apply to the Guptas, however. "At this stage I don't expect that the Guptas will come back to South Africa, certainly that they will do so while the commission is going on," said Zondo.

“Although it would have been good to have their evidence, I said some time back that the evidence that the commission will have, is likely to ensure that the report will be very credible without their evidence.”

He referred to the money flows evidence led from early December, which revealed that money made by the family through contracts with state-owned entities like Transnet is alleged to have been moved through dubious channels.

“So the fact that the Guptas didn’t come to South Africa to give evidence, in the end, I don’t think, will affect the credibility of the commission.”

With regards to Ramaphosa, Zondo asked him in 2018 to give evidence, as he was part of the executive during much of the time that events the commission is looking into are alleged to have happened. This is both in his capacity in the executive and in the ANC.

“The legal team will work out the details of some of the things that he will deal with, but broadly speaking, it’s about what he may have known during the time that he was deputy president.”

Zondo said he had expected more current and former ministers to have come forward to share what they knew of what happened in relation to allegations in the terms of reference.

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