



**28 January 2021**

**Zondo commission – ConCourt: Zuma must face Zondo, answer questions**

Former president Jacob Zuma will not only have to appear before the commission of inquiry into state capture when it orders him to do so, but will have to answer questions put to him by the evidence team. This is the order delivered on Thursday by the Constitutional Court.

The commission had applied to the court, through its secretary, to order Zuma to appear, following his much publicised walk-out in November last year, after he failed in an application to get chairperson Deputy Chief Justice Raymond Zondo to recuse himself.

“We must remember that this is a republic of laws, where the Constitution reigns supreme. The former president’s conduct is a direct breach of the rule of law, which forms part of that Constitution,” said Justice Chris Jafta, reading out the judgment. No one is above the law, he added, even for those who were in the position to make the laws.

At the time of the walk-out, Zuma had been summonsed by the commission on the basis that he had been implicated by over 30 witnesses since the start of public hearings in August 2018. The summons was a culmination of previous failed attempts to get the former president to appear.

Zuma did not oppose the Constitutional Court application, but instead submitted a letter to the court saying that he would not participate in the proceedings.

Speaking on the merits of the case, Jafta spelt out the course of events in the efforts of the commission to get Zuma to testify, saying that it took a long and unnecessary route of insisting on inviting Zuma before it, when it had powers to summons through its secretary. It was only in December 2019 that its intention to apply for permission for its secretary to summons Zuma made clear it wanted to compel him to appear. Zuma opposed the application in January 2020, citing medical reasons.

“The commission failed to take timeous steps to ripen that application for hearing. That application was only set down for hearing in September and postponed to October 2020 when authorisation was granted by the chairperson and eventually the summons was issued.

“Quite clearly, the commission was to blame for the situation it found itself in. But the question is whether, and despite the commission’s blunders, direct access should still be granted.

“The former president is firmly placed at the centre of investigations which include that he had surrendered constitutional powers to unelected, private individuals.”

If found to be true, this could imply a threat to South Africa's fledgling democracy, Jafta added. "It is in the interest of all South Africans, the former president included, that these allegations be put to rest once and for all."

Zuma was also ordered to pay the commission's costs in the matter.

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