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Zondo commission – Zondo to Myeni: ball is in your court, report corruption you know of

While former SAA chairperson Dudu Myeni may feel aggrieved that the commission of inquiry into state capture is selective in its pursuit of cases within its mandate, it is up to her to report any corruption that she knows of before the commission's terms end. Myeni was encouraged by chairperson Deputy Chief Justice Raymond Zondo to send any information on corruption that she may have for it to be investigated.

Her second day of testimony started off on the same note as her first – with her invoking a right of silence on questions relating to allegations made against her so far, for fear of self-incrimination – but she took some time during the morning session to outline the shortcomings of the commission, as well as its intentions. This was after Zondo cautioned HER on the implications of her silent stance on the commission's final findings on her in future.

"As you exercise your rights as they apply to the proceedings of the commission, I just want you to appreciate that in the end, the commission would make its report, make its findings based only on the evidence that it has," said Zondo.

Myeni replied: "I appreciate what the chairperson has clarified. My apprehension was that I come before this commission trusting your leadership, trusting your position, trusting the journey you've traversed to the level that you are in the country. So I came before this commission knowing clearly that I am a culprit, I am a criminal. I came before this commission because I also did not want to be condemned and I've risked to ensure that, while in isolation, I still present myself."

Myeni is giving her testimony via video link, having told the commission of recent, possible exposure to someone who tested positive for Covid-19.

"There has been a narrative that a certain grouping is guilty. Not you, but your investigators, together with your evidence leaders, may be doing something that you're not aware of, assisted by the media."

The commission staff, possibly unbeknown to Zondo, she said, has operated in an underhanded manner, by undermining efforts by people whose evidence it did not deem necessary.

"I feel, chairperson, that there is a certain factional group that is being hunted. There are certain people that you, chairperson, might not be aware of that are denied to come and present some evidence of corruption, but because it does not suit the narrative of today, they are not allowed to come. I have been one of those that have wished to come and present before the commission, but when I studied the mood, when I studied the occurrence within the commission, when I studied some pronouncements by the media, then I realised that it's not a winnable attempt."

Appearing on the platform, however, is important to Myeni, she said, as it vindicates her in the eyes of those who have been misled by the media narrative about her, for simply being associated with former president Jacob Zuma. “I felt that appearing will assist in ensuring that I tell somebody in Mkhuzo [in KwaZulu-Natal] that I’m guilty of association of Jacob Zuma. I needed [to tell] a mama somewhere who is in my church, who believes in me, business people that I’ve trained, led as deputy president of the Zululand Chamber of Commerce, that I am not guilty of anything but association of president Jacob Zuma.”

Zuma has never told her why he is hunted down, she said. “If I had a choice of reversing choices I have made, I would have not taken the position of being the chairperson of the Jacob Zuma Foundation, because in my journey as a successful businesswoman, an award-winning businesswoman, there has never been any black spot in my leadership style, but there has been so many conspiracies that are political. I am not a politician, chairperson, I am a solid business woman.”

Next was a warning to Zondo, who may not be aware of the implications of the actions of the legal and investigations staff of the commission he leads.

“Chair, this report that you will be compiling, when it is taken for a review, it will be only you, and not your evidence leaders, whom I respect, not your investigators, whom I respect... You might be innocently trusting people that are doing your work, [for] which all of us believe in you. I believe in you. I have high respect for you, I know you before you knew me, when you were at the Mxenge office, so I have high respect for you. But I feel that I am before you chair with some people that have come there who are aggrieved, who have been made to say go say something about anyone associated with Jacob Zuma.”

It is a pity, continued Myeni, that the commission is used to fight factional battles. “People who have stolen somewhere run to the commission to taint names of certain people, certain groupings,” she said.

But Zondo took the opportunity to place the ball in Myeni’s court: “It is a pity that you may have matters relating to corruption that you may have wished to bring to the commission, but did not bring for whatever reason,” he said.

“Because we certainly, since 2018, have been inviting all South Africans who have got any information, to bring it. We are approaching the end of the term of the commission, so we may not be able to do much about information that we get so late. But if you would feel comfortable to still send that information to the commission, I’d be very interested in you furnishing the commission with that information so that we can see what we can do.”

Myeni was encouraged to submit any information she had with the secretariat of the commission, attaching a cover letter noting that she had been given permission by Zondo to do so, so late in the commission’s term.

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