



28 September 2020

Zondo commission – Zuma calls for Zondo to recuse himself

A second call for Deputy Chief Justice Raymond Zondo to recuse himself from the commission of inquiry into state capture has come, this time from former president Jacob Zuma. He wrote to Zondo, through his lawyer Eric Mabuza, on Monday saying that unless this happens, he will not be appearing before the commission. Zuma accused Zondo of bias, as did former Prasa CEO Lucky Montana earlier this year.

Zuma's retort is a response to Zondo's ultimatum for the former president to appear from 16 to 20 November, or else face a possible summons. The legal team's application for the summons, said Zondo, will be heard on 9 October. Mabuza said in the latest correspondence that they too would be filing a formal application soon for Zondo's recusal. Zondo's decision to make his ruling via a media conference appears to have been the last straw for Zuma, who says he is treated unlike other witnesses and is in fact targeted by the commission.

"President Zuma's conclusion that the chairperson is no longer capable of exercising an independent and impartial mind is fortified by what he views as unwarranted public statements by the chairperson as the said media briefing," the letter reads.

Zuma, it continues, has always expressed his willingness to co-operate with the commission, in spite of his reservations regarding its legality and Zondo's suitability to chair it, considering the personal relations between the two. "However, the conduct of the chairperson has left president Zuma with no choice but to take this step to defend his rights as a citizen."

Zuma first appeared in July last year to answer several 'clarity-seeking questions' from the commission arising from the evidence of several witnesses who had implicated him varying contexts, largely stemming from his relationship with the Guptas.

The Zuma week was cut short when his counsel Advocate Muzi Sikhakhane [withdrew](#) his client from the proceedings, citing [bias](#) in Advocate Paul Pretorius's line of questioning. A special arrangement was made, with an agreement in principle Zuma would return, provided both sides adhered to certain conditions. Later in the year, Zondo proposed dates in October and November, but his lawyers cited ill health and later his corruption trial in the Pietermaritzburg High Court as reasons for his failure, on two separately arranged occasions, to appear.

The first attempt at a summons application in January this year was circumvented by Advocate Thabane Masuku. Zuma was too ill and planning to get medical care overseas, and the commission was wrong to imply that he was dodging the process by resorting to a summons.

"Insofar as the chairperson interprets his own powers to be absolute that non-negotiation is necessary in order to agree to appearance dates, we leave it in his capable hands to do as he deems appropriate."

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