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STATEMENT ON CONSTITUTIONAL COURT HEARING THIS MORNING AND MY DECISION NOT TO APPEAR BEFORE THE COMMISSION OF INQUIRY INTO STATE ALLEGATIONS OF STATE CAPTURE, FRAUD AND CORRUPTION IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE

1. Today, the Constitutional Court heard arguments made on behalf of Deputy Chief Justice Zondo in which all sorts of untruthful and selective averments were made against me. Many of these missed my real concerns which have compelled me to take the stance I have taken.
2. At the outset, I wish to state that the public would have noticed the composition of the Constitutional Court this morning. The inclusion of Justice Dhaya Pillay was indeed curious if one considers her historical hostility and insults against me. That she was included in this particular matter demonstrates the crises engulfing our judiciary.
3. Justice Dhaya Pillay has previously insulted me by insinuating in her judgment that I am **"...a wedge driver with a poisonous tongue."** It is the same judge that issued a warrant of arrest against me as she refused to accept a medical report from the Surgeon General of the South African National Defence Force.

The same judge said that **“It is in fact Mr Zuma who damaged the reputation of the ANC as a result of the allegations of fraud and corruption levelled against him. Removing Mr Zuma was therefore consistent with the country’s Constitution and in the interests of the ANC and the people of South Africa.”** This was said in a case that had nothing to do with my role in the ANC and government.. I would have expected that a court, acting impartially, would have the conscience of mind to exclude a judge that has made such statements against the subject of a matter before them.

4. Ordinarily and if I had faith that a South African court would consider my submissions, I would present them to the Constitutional Court. However, my experience is that many South African judges, including those of the Constitutional Court, can no longer bring an open mind to cases involving me as they have done in awarding legal costs against me in a case I had not participated in.
5. It is a travesty of justice to observe how the Constitutional Court has allowed itself to be abused in this manner and the repeated warnings I have made in this regard continue to go unheard simply because they emanate from me. The truth is that the Commission approached the Constitutional Court directly to compel me to appear on the grounds that Commission was running out of time and that approaching a lower court as is the correct legal procedure, would have caused delays that would have affected the timelines around which the Commission needed to finish its work.

6. What the Constitutional Court failed to appreciate is that in rescuing the Commission from its own inefficiencies and incompetence, the Constitutional Court chose to prejudice me and violate my constitutional rights by being the court of first and last instance by circumventing my right to the normal due process of having the judicial decision of a lower court remaining subject to review by a higher court. The fact is that it is the Commission that has failed to regulate its own costs and processes in allowing itself to waste time pursuing to all sorts of evidence under the sun that had nothing to do with their terms of reference. In addition to that, the Commission has never been truthful about its own inefficiencies that include the hiring expensive premises with extravagant extras and over staffing with expensive investigators and legal personnel that caused the costs of the Commission to grossly exceed its initial allocated budget.
7. In an attempt to cover up these inefficiencies and wasteful expenditure, the Commission sought to scapegoat me by asking the Constitutional Court to encroach my constitutional rights. For the sake of expedience of the Commission, the Constitutional Court accepted the unfounded allegations that I was delaying the Commission in the completion of its work when all I had done was exercised a legitimate right to challenge the impartiality of the Chairperson of the Commission.
8. In what appeared to be a plea for my severe punishment for revenge's sake, speculations were made about me and my case. In truth, I have stated that my stance is no disrespect of the law. Instead, I seek to express my disapproval of what I deem to be an abuse of legal processes by people who should know

better, judges, in whom we vest public power to protect the rule of law and the Constitution.

9. What I wish to reiterate though, in order to deal with the misrepresentations and lies peddled in the Constitutional Court on a previous occasion and this morning, is the basis of my stance as well as my right to express my views on the judiciary without being limited.
10. This approach to the Constitutional Court by the Commission is but a scheme to ignore and sidestep the serious issues raised in my review application. Therein, I raise the issues on the basis of which I seek the recusal of Deputy Chief Justice Zondo. In that review I also demonstrate that the Deputy Chief Justice had been untruthful in his statement regarding whether or not he had met with me while I was Head of State. This much is acknowledged by him in his attempt to explain his initial denial that we had indeed met.
11. Further, my review deals with the fact that Deputy Chief Justice Zondo had become a judge in his own matter. It is common knowledge that he made averments which were disputed. In this regard, he could not be the one to determine a dispute that involves his version.
12. The insistence made on behalf of the Commission that I must be incarcerated revealed the hostility of the Commission against me. It is no longer my attendance that they seek, but they have joined the political campaign to destroy me. It also reveals that this was always the Commission's mandate.

13. I have expressed my concern at the manner in which the Deputy Chief Justice is improperly exploiting his proximity to the Constitutional Court to protect and advance his own interests as chairperson of the Commission . I strongly disagree with the assertion that I have raised my concerns in order to diminish the stature of the Constitutional Court. This assertion is a contrived appeal to the Constitutional Court to make it seem as if the case of the Commission is to protect the integrity of the Constitutional Court.
14. I have stated previously that mine is a conscientious objection to the abuse of legal processes. I do not stand against the rule of law but seek to defend my own rights against the onslaught emanating from the Commission and our courts. I am entitled to express my views in this regard and to express them rigorously.
15. More recently, various forces claiming to be defending the Constitution have emerged in their sponsored attempts to influence and exert a public pressure the Constitutional Court to find against me. These hypocrites and pharisees in priestly collars parade as men of God seek nothing but the control of the judiciary and the country.
16. So much was said about my non-participation in the Constitutional Court proceedings. I am entitled not to file opposing papers and it is unfair to suggest that I must be punished for this election. First, I was told that should I oppose the application, I would pay punitive legal costs. Then, when I do not oppose, the Commission asks that I should be punished for not opposing. This simply reveals the attitude of the Commission towards me.

17. Similarly, even when I could not attend because of ill-health, Deputy Chief Justice Zondo refused to believe me. I invited him to meet with the Sergeant General and he undertook to do so, but never did.
18. The approach to the Constitutional Court by the Commission is nothing but a scheme to divert attention from the review application, which reveals that Deputy Chief Justice Zondo has not only lied, but became a judge in his own matter. I would have thought it was not allowed for a judge to sit in his own case.
19. The Commission persists with its convenient untruth which has now unfortunately received judicial endorsement that I have refused to give evidence before the Commission. Deputy Chief Justice Zondo knows that it is false that I have refused to participate in the activities of the Commission. What I have objected to, is appearing before Deputy Chief Justice Zondo against whom I have a pending review application to determine whether he should have recused himself from sitting in my appearances.
20. The conduct of Deputy Chief Justice Zondo continues to demonstrate bias against me, the nature of which disqualifies him from adjudicating any dispute regarding evidence presented at the Commission involving me or my family. In short, the moment that he presented a disputed version of facts involving the nature of our past relationship, he became an adjudicator in his own case and therefore disqualified from adjudicating any dispute involving me fairly, impartially, and independently.

21. I believe that the review application is being deliberately ignored because the facts do not support Deputy Chief Justice Zondo and the desired finding that must be made against me. The pending review application must first be determined before I should be expected to appear before the Commission. The Constitutional Court has drawn an oppressive line against my right to have the review application determined in order to preserve the impartiality and dignity of the Commission. It is highly inappropriate for the Constitutional Court to intervene to save Deputy Chief Justice Zondo from embarrassment from separate issues arising out of the Commission.
22. I believe that history will absolve me. I know that I have dedicated my life to the cause of advancing the interests of my people. I will serve the term of imprisonment imposed by the Constitutional Court - that has already become the focus point of the defend our democracy campaign. This campaign is dangerous to our democracy and when its true fruits are seen in time, I will be vindicated.
23. Many now claim that there is a constitutional crisis. I do not see any constitutional crises when I accept the statutory sanction that may accompany my conscientious objection to the conduct of certain senior members of the judiciary. The crisis would arise if I refused to face the sanction that accompanies my stance, if so determined by a competent court and impartial forum.
24. All I said is that I am not afraid of going to jail as I was not under the apartheid system. However, I will not subject myself to an oppressive and unjust court

system. They can put my physical body behind prison doors; however, my spirit is free to speak against the injustice of the imprisonment. Our people – ordinary people – will gain their voice and when they do, not even the Constitutional Court will not be spared the rigorous questions.

25. All South Africans should be concerned about the dangerous situation we are heading towards. The core principles about separation of powers between the judiciary, legislature and the executive are being gradually weakened. More concerning for me as a person who fought for this democracy, is how the judiciary is now in the position where they are beyond reproach and the judges in this country are continuously taking extra powers to themselves to the detriment of legitimate democratic processes. I strongly agree with the public sentiment that is starting to see the emergence of a judicial dictatorship in South Africa. This, like the injustice of apartheid will not last as there are many like me who still stand for true freedom and democracy. We have in South Africa today the gradual entrenchment of the counter-majoritarian problem.
26. Unfortunately, when people rise up against this judicial corruption, our young democracy will unravel and many democratic gains will be lost in the ashes that will be left of what used to be our democratic state. Many who profess to be acting in the interests of democracy will leave for their wealth destinations abroad as many of them hold dual citizenship. The stooges of these so-called defenders of democracy, will be left with us battling to re-build our country again.

ISSUED BY:

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