



26 March 2021

Zondo Commission – Zuma hits back against Zondo, ConCourt, and judiciary

Former president Jacob Zuma continued his defiance of the commission of inquiry into state capture, the Constitutional Court and by extension, the judiciary, [in a statement](#) released in the late hours of Thursday night. Zuma has been pushing back against requests, subpoenas, summonses, and court orders to appear before the commission since his first and only meaningful appearance in July 2019, despite declaring in August 2018 that he was prepared to defend the allegations which have been brought against him.

On Thursday 25 March 2021 the ConCourt heard arguments in the case between Zuma and the commission, in which the latter asked the court to find Zuma guilty of contempt for his refusal to appear before it in January and February. The court had made an order in January that “Mr Jacob Gedleyihlekisa Zuma is directed to appear and give evidence before the Commission on dates determined by it”.

Proceedings went ahead without Zuma or his legal representatives, and the court has reserved judgment on the matter.

Zuma retaliated late that same evening by issuing a lengthy statement in which he lambasted both the Constitutional Court – for allowing itself “to be abused in this manner” – and the commission – for “allowing itself to waste time pursuing to all sorts of evidence under the sun that had nothing to do with their terms of reference”. Commission chairperson Deputy Chief Justice Raymond Zondo was not spared the former president’s wrath, being accused of bias and of lying.

Zuma said in hearing the commission’s case, the ConCourt was “rescuing the Commission from its own inefficiencies and incompetence”.

Using words such as “revenge”, “scapegoat”, “bias”, and “oppressive”, he declared that the commission no longer sought his attendance, but rather, it had “joined the political campaign to destroy me”. He added that this shows the true mandate of the commission, which was always politically motivated.

He reiterated that he had never, in fact, refused to participate in the activities of the commission. Rather, he had objected to appearing before Zondo specifically, who in November 2020 had dismissed an application from Zuma for his recusal. In December Zuma applied for a high court review of Zondo’s decision, and claims this as the reason for his non-appearances, saying that while it was still pending he would not appear.

The former president has been implicated by a string of witnesses over the past 31 months, including former deputy finance minister Mcebisi Jonas, former Government Communication and

Information System (GCIS) head Themba Maseko, former public services minister Barbara Hogan, and former Prasa chairperson Popo Molefe.

On 15 July 2019 he made his long-awaited appearance before the commission that he had established and ostensibly supported. "I urge everyone to co-operate with the commission of inquiry. I trust that we will all respect the process and place no impediments to prevent the commission from doing its work," he had said in January 2018 when he announced the commission's establishment.

It didn't take long for the relationship to sour. The month before his debut, Zuma had insisted that the commission provide him with the questions he would be facing. The commission declined to supply the information, and Zuma responded, via his lawyer Daniel Mantsha, that it was biased against him and "lacks the requisite impartiality".

Then on 19 July, after threats to walk out of the hearings because of the perceived bias from the commission's legal team, Zondo intervened and Zuma and his team withdrew their threat.

This was the shape of things to come, and Zuma has since stood the commission up several times. After non-appearances in October and November 2019, it was announced in January 2020 that he was too ill to appear before March. The lockdown in that month put a stop to proceedings until June, when Zondo invited Zuma to give evidence. By August, the commission's lawyers were arguing for Zuma to be subpoenaed.

In September 2020 Zondo announced new dates for Zuma's appearance, saying that he was to give evidence from 16 to 20 November. Failing this, a summons would be issued. Zuma called for Zondo to recuse himself, and in November brought forward an application for Zondo's recusal. The application was dismissed three days later. Zuma and his team again walked out of the hearings, and as a result Zondo laid a criminal complaint against Zuma for violating the summons, regardless of the dismissal of his application.

In January 2021 the Constitutional Court handed down judgment that Zuma would not only have to appear before the commission when it orders him to do so, but would have to answer questions put to him by the evidence team.

On 15 February, after Zuma failed to appear yet again, Zondo said the commission would approach the Constitutional Court to get a contempt order issued against Zuma, and of the two options of a prison term and a fine, would ask for the former to be imposed.

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