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Zondo commission – Zuma to stay in jail as bid for release is dismissed

Jacob Zuma is staying in jail and Ace Magashule remains suspended by the ANC. The former president's bid to stay his arrest based on an order of the Constitutional Court was dismissed by Judge Jerome Mnguni in the Pietermaritzburg High Court on Friday, while the party secretary-general's matter was heard in the South Gauteng High Court.

Amid high tension, Zuma entered the Estcourt correctional services facility in the early hours of Wednesday morning, as per the Constitutional Court's order that set a deadline for him to either hand himself over to the police or to be arrested. He missed the deadline of midnight on Tuesday by a couple of hours, having declared publicly before his move to the prison that he saw no reason to turn himself in. News broadcasts showed supporters rallying around the former president in their thousands over the weekend and on Tuesday night.

On Sunday night Zuma explained his position in a press briefing, saying that he was being subjected to apartheid-style laws that sought to imprison him without trial.

Police Minister Bheki Cele, meanwhile, said on Friday he was proud of how members of the South African Police Service handled Zuma's arrest, undertaking the task without a reference point to learn from. It was through negotiation with Zuma and his family that the process of handing himself in was achieved, he added.

Friday's proceedings were a glaring contrast to the almost six-hour long hearing of arguments on Tuesday for and against the setting aside of the arrest order. Zuma's counsel Advocate Dali Mpofu took up most of the time, while his opponent Advocate Tembeka Ngcukaitobi, acting on behalf of the state capture commission, delivered his argument in less than an hour.

Mpofu cited reasons such as a potential bloodbath similar to the 2012 Marikana tragedy as grounds for Mnguni to set the order aside until the Constitutional Court's next hearing, on 12 July, of arguments for the rescission of its 29 June judgment. On that day the Constitutional Court found Zuma guilty of contempt for failing to comply with summons issued by the commission for him to appear as well as a later order by the same court for the same.

"The application is dismissed with costs. I hand down the judgment. Court is dismissed," Mnguni is reported to have said in less than a minute and without reading his full judgment into the record.

The judgment happens in the midst of a province-wide protest in support of Zuma, with crowds of people expected to assemble outside the prison. Inside, it has been reported that inmates in support of the former president have gone on a hunger strike, though the correctional services department has dismissed this as fake news. Both groups are demanding his release.

The Magashule judgment was delivered by Judge Jody Kollapen and represents a full bench of the court. His application challenged the legality of the ANC's resolution compelling all members accused

of corruption to step aside. Here too Mpofu represented the applicant, arguing before the court that Magashule had been stripped of his dignity and right of association because of his suspension, which happened after he had contravened the step aside rule by making public appearances.

Cost orders were attached to both judgments.

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